

Court
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Elizabeth Nelson
Albert Thrower

Case No. 2:22-cv-10918

Judge: MATTHEW LEITMAN

Plaintiffs(s)

-vs-

Magistrate: Anthony P. Patti

SERVICE TOWING Inc et al.,

Defendants

FILED USDC - CLRK DET
2023 JUN 1 PM4:31

RESPONSE TO MOTION TO DISMISS #66 and/or
MOTION FOR SUMMARY JUDGMENT

Nelson, Thrower=Ps' or P-N=Nelson, P-T=Thrower responds to MOTION TO DISMISS #66. Per amended complaint defendants (Ds') Fouts, city of Warren=city, Scott filed a Motion to Dismiss Td 66.

Per Haines v. Kerner, 404 US 520 "court found pro'se pleadings .. held 'less stringent standards' than ...attorneys" Ds' have gone to extremes to prejudice Court as to previous cases filed against or by P-T in attempt to hold P-T to same

standards of lawyer. 1st, Supreme Court states: “pro’sse litigants are held to a “less stringent standard” than attorneys” *Haines v Kerner* Id.. Court does not opine there is weighing process of experience a litigant has as to hold him to higher standards of lawyer. P-T cannot find any law & Ds’ do not cite any to support this.

P-N is not lawyer, and has signed brief. Do Ds’ suggest Court take one standard reviewing P-T’s filing and a different standard on same brief reviewing P-N?, without citing authority. P-T-manager St Anthony the Great Orthodox Monastery owner 7568 Hudson Ave Warren tenant since 2012 in any 4 apartments as available per Ex 31 lease. Per Ex 32 pic-P-T had personal property taken cans- since recycling suspended, bumper wrap, bags salt etc. List available.

Per 2nd amended complaint same as if rewritten herein facts must be accepted as true. “Under Federal Rule of Civil Procedure 8(a)(2), a complaint must contain a “short and plain statement of the claim showing .. pleader is entitled to relief.” “detailed factual allegations” are not required, *Twombly*, 550 U. S., at 555, ... factual matter, accepted as true, “state a claim to relief .. is plausible on its face,” *id.*, 570. A claim has facial plausibility when pleaded factual content allows court to draw.. inference defendant is liable for misconduct alleged. *Id.*, at 556”

Per Ex 18, police dept-city Warren website “Police Department (D) Doe was re-appointed Commissioner Warren Police Dept...warren police department

mission statement “to serve... community and protect lives, rights, and property of ..people of Warren integrity, equality, and justice.”.

Per Facts Complaint, policymaker D Does/Fouts/Scott/city did not “protect .. lives, rights, ..property .. people of Warren wi...integrity, equality, and justice”= Ps’.

P-N upon learning her 4 cars were gone decided to protect her interest cars towed by Ds Hertz Bros, Ex 63 pg. 1-4 invoices, by Ds’ Randy Hertz, Bruce Hertz, Dennis Hertz, Service Towing Inc=STI Ds’, acting in conspiracy with state actors, before sold thru falsified paperwork as “abandoned” by Ds’ STI Hertz Bros Ds’. Ex 63 invoices 1-4 show falsified address as “7528 Hudson”. P-N exited self-isolation, being at risk “people of Warren” travel from Cuyahoga County OH, low covid county-to Macomb County Warren-high Covid County Macomb 5/2/20, to retrieve 4 licensed, plated, insured vehicles towed from behind privacy fence, during Covid lockdown. Cars towed because “policymaker” Ds’ Doe, Fouts, City Property & Maintenance Scott, employee Doe wrote ticket on property 5/1/20 Ex 46 p1-2. P Nelson contacted P-T 7568 Hudson Ave Warren renter & landlord, manager who was being treated 5x week for “prostate cancer” @ Cleveland MetroHealth-Ex 35 pg 1-3 who also had personal property taken by Ds’ from private property. P=N could not retrieve 4 cars without assistance of P-T. This violated Ps’ rights under US Constitution, 4,5,14th Amendment. Rather than

“protect the lives”, of Ps’, Ps’ were exposed to Covid rate 7x Ex 5 p 1-2 higher rate Macomb County Ex 6, 16x death rate comparing Cuyahoga County OH, & exponentially more risk of death/exposure,-since Ps’ “self-isolating” in Cleveland OH, P-N then 52 yr. old Warren citizen, Ex 41 license was told by E Mich University Dr Ex 4 p2 Aff’t “stay in Ohio-thinks are crazy in Mi due to Covid”.

Ds’ Scott, Fouts, Scott, Does, Hertz Bros failed to follow Covid Emergency Guidelines, 4th Amendment US Constitution. Ds’ falsified address 4 vehicles towed from 7568 Hudson Ave Warren, private property Ex 63. Cars were towed by Ds’ Hertz Bros, STI, in conspiracy with Doe Warren police, Scott. Doe police refused Ps’ to file police report re towing P-N 4 vehicles & falsification address on paperwork. Ps’ allege “custom and policy” perpetrated by Ds’ Does, Fouts, Scott, city policymakers, employees . *Monell v. Department of Social Services .. New York, infra* which created.. for civil rights Ps’ to seek money damages against a city. *Pembaur v City of Cincinnati, infra* “*Monell.. recovery.. municipality is limited to acts.. ‘municipality’-.. has officially sanctioned or ordered.*” “1st Ps’ allege (D city of Warren, Does) has an unconstitutional policy. These policies may written or unwritten, so long as .. attributed to a “policymaker.” Warren has an unconstitutional policy” &/or towing cars for “blight” entering private property without search warrant “policymakers.. elected officials (Ds Fouts, Does) or those defined as policymakers by state law (Ds Does, Fouts). This.. also provides a

standard of causation: if a subordinate employee (Scott, Does) party responsible.. deprivation of rights, local entity may only be responsible if a certain policy was a “moving force” behind their action. This but-for standard .. 2nd a local entity may be liable .. § 1983 for unconstitutional customs and practices. .. advantageous to a civil rights plaintiff when no policymaker can be identified. 3) if a policymaker delegates.. authority to a subordinate employee (Scott, Does) or explicitly approves of unconstitutional actions,.. act can be said “of the municipality” by adoption. 4) civil rights plaintiff may allege deliberate indifference .. applies to single-incident-type injustices and concerns city .. failure to hire, train, or supervise its employees. Deliberate indifference liability attaches when policymakers of ..local entity are aware .. risk and grossly neglect to address it. Blatant unconstitutional policies are (not) authorized by city councils.. admissible evidence proving policymaker authorization or adoption of a subordinate employees’ (Scott, Does) unconstitutional action is often non-existent” . Ds police commissioner Doe, Fouts, city alleges was a final policymaker] acted under color of state law; 2. acts of (Ds’) Does, Fouts, final policymaker deprived Ps’ of rights under United States Constitution. (Ds’) Does, Fouts, city, final policymaker had final authority from Ds’ City Warren concerning these acts. When Ds’ Does, Fouts, city, final policymaker engaged in these acts, (Does, Scott) was acting as a final policymaker for D City and acts (Ds’) Does, Fouts, final policymaker caused the deprivation of

the plaintiff's rights; that is, (Ds' Does, Fouts, final policymaker's acts were so closely related.. deprivation of Ps' rights as to.. moving force that caused ..ultimate injury. Person acts "under color of state law" when person acts or purports to act in performance of official duties under any state, county, or municipal law, ordinance.." *Monell* liability is based on the acts of a final policymaker. .. other bases of *Monell* liability, Unlawful Official Policy, Practice, or Custom... Based on a Policy that Fails to Prevent Violations of Law or a Policy of Failure to Train *Monell v. Dep't of Soc. Servs. of N.Y.*, 436 U.S. 658, 691. Such liability attach when .. or employee who caused a constitutional violation was acting as "final policymaker." *Lytle v Carl*, 382 F3d 978, 981. "To hold a local governing body liable for an official's conduct, a plaintiff must first show .. official 1) had final policymaking authority concerning.. action ..and 2) was policymaker for the local governing body for purposes of particular act." Whether an official is a policymaker for *Monell* purposes is a question of state law for the court" *City of St Louis v Praprotnik*, 485 US 112, 123 .. determination is made on a function-by-function approach analyzed under state organizational structure. A "policy" is a deliberate choice to follow a course of action made from among various alternatives by ..official responsible for establishing final policy" Ps' seeking to establish municipal liability under this theory.. demonstrate that an action of final policymaker "was the 'moving force' behind the constitutional violation Ps'

suffered.” “To meet this requirement, Ps’.. show both causation-in-fact & proximate causation.” *Id.* A municipality may be liable for the acts of a final policymaker if these acts caused a constitutional violation, even if the constitutional violation occurs only once. *Pembaur v City of Cincinnati*, 475 US 469, 478 municipality is also liable if a policymaking official fully delegates discretionary authority to a subordinate, and subordinate (Scott, Does) uses that discretion. *City of St. Louis Id.* Official may be found to have been delegated final policymaking authority when the official’s discretionary decision is unconstrained by policies not of that official’s making and unreviewable by the municipality’s authorized policymakers” Ex 15 10/12/22 Detroit Free Press “This video is sickening, ...Detroit teen punched, kicked by Warren Police” Warren Police kick black youth. (Ds’) Does, Fouts, condones this illegal behavior-entering property without search warrant without probable cause as was agreed on by consent decree *NILI v Warren*, Ex 39 &/or § 1983 for unconstitutional customs and practices. warren police chief D Doe mission statement Ex 18 p 3/8: “Professional ..Department will conduct themselves in a mannerstandards for performance, ..adherence to our mission (4/8) and other core values. We perform our roles ethically .. integrity as we represent Warren Police Department, .” (Ds) Does, Fouts, Scott, city involved in (Ps’) facts does not comply w Warren police mission

statement. Ps' avers (Ds) Doe, Fouts, puts same on paper, but "custom and policy" does not train officers to adhere to Mission Statement.

(Ds) Does, Fouts, Scott, allege a 1st time defense of "blight" abandoning "MI Abandoned Vehicle defense" "Warren City Ordinance Sec 2.5-7 (Ord 80-731, Sec 1, 8-11-15)" Ex 13 pg. 4, There was no Ticket with P-N name on re cars.. "The purpose .. ensure compliance Warren Code of Ord designated as blight violations. "previous enforcement mechanisms were not ensuring blight violation code compliance", hence "Sec 2.5-7 Ord. No. 80-731, ..read *in para materia* with previous Ord 8-11-15 Sec. 2.5-2. - Definitions. *Blight violation*. A violation of a provision of the Code of Ordinances, .. is designated as a blight violation."

Ps' aver unconstitutional-since "blight" is never defined .. person would understand "blight" under "void for vagueness" doctrine. Or absent a definition, common meaning "blight" must be accepted. "The void-for-vagueness doctrine ..uncertain laws, whether criminal or civil, violate due process and cannot be enforced. .. based on individual rights and one based on constitutional structure" "Definition. ..criminal law, a declaration ..law is invalid because it is not .. clear. Laws are .. found void for vagueness if, .. punishment, law does not specify what is required or what conduct is punishable" " Vague laws raise problems with due process". Connally v. General Construction Co 269 U.S. 385 law is unconstitutionally vague when

people “of common intelligence must guess at its meaning.” .. unduly vague it raises problems under Due process guarantee, ..applicable to federal government 5..14th Amendment”. Definition “blight” is a violation of criminal statute, .. “up to 93 days”. 2nd-if statute not define a word, “blight” everyday meaning must be used. “Words .. everyday meanings” Canons Construction Galia Gardner. 3rd, criminal statute, “rule of lenity” applies “principle of criminal statutory interpretation .. requires a court to apply any unclear .. law in the manner that is most favorable... defendant.” In re “blight” definition to not include licensed, plated, insured vehicles.

Holloway v. United States, 526 U.S. 1, 21 Statute cited Ds’ commissioner Doe, thru his policy making authority as Police Commissioner Ex 40 previous Warren police Commissioner contract p 5 “Police Commissioner ..head of Police Dept, shall organize .. conduct the affairs ..dept preservation of quiet and good order of the city and the safety of persons and property therein..it is the policy..” i.e. D Doe, Fouts “policymaker”- nowhere allow Ds’ Does, Scott, enter private property to remedy “undefined” “blight” violation-which under their definition includes licensed, plated, insured vehicles during Covid lockdown. “If the alleged violator was served proper notice” (Ps’) never served Notice infraction, being renters @ 7568 Hudson -any notice US Constitutionally defective under 4, 5,14th Amendments not

include P-N name owner cars or P-T personal property. 5/1/20. P-N Ex 41, drivers license listing 7568 Hudson Warren, Ex 2 lease. Ex4 Afft P-N p 1-2. Ex 25, 1 WHO (World Health Organization) declared covid a Worldwide Pandemic 2/20 Ex 1 Ds' Does, Fouts, Scott, did not delineate this -as cars could have belonged to multiple parties not listed in any alleged ticket in violation of Supremacy Cl United States Constitution: Art VI, Para 2 assuming arguendo (Ds') aver Warren Ord gives *carte blanc* enter private property, seize cars without search warrant as "equitable relief" then ordinance in violation 4,5,14th Amendment US Constitution, because does not state owner car be identified & given constitutional notice. Law Insider definition "blight": "Blight means areas .. with obsolete or inadequate infrastructure, ..building structures are dilapidated". As a matter of fact/law, cars do not meet the definition of "abandoned vehicles",... misdemeanor (90) days. Further, per NILI v Warren Ex 39 it was agreed that Warren employees would obtain "administrative search warrant" to enter private property. (Ds').. Does, Fouts prepares for influenza..covid, dated 2/26/20, Ex 23 2/26/20 Press Release 10 days before any alleged 3/4/20 hearing. Pg 3,"Our residents can feel at ease knowing.. health and well-being is now and always will be my number one priority. My administration, ... Police Commissioner (D) Dwyer (doe).. are working to

ensure your safety..”. (D) Doe- Dwyer (D) Warren police officers Does, Scott-city employees & Does are not “Ds Does, Fouts..working to ensure your safety..”, Ex 23, pg 3, (D) Mayor Fouts Press Statement 2/26/20. Ps’ were exposed a minimum 7X increased Covid exposure rate, 16x more likely to die as calculated *infra*: New York Times data collected state and County Health Departments. Per Ex 5 “May 2, 2020” when (Ps’) left Cuyahoga County, OH, New York Times Tracking Coronavirus “Daily Average 63..” cases, of Covid. Per Ex 5 pg 5 pg 2, “May 2, 20, “Daily average (deaths) 3.4 New Deaths 0”, Cuyahoga County, Oh. Per Ex 12, Cuyahoga County Pop. 1.241 million 2020. Per Ex 11, Macomb County Population 870,893 2020, Ex 6 Macomb County “May 2, 20: “Daily Average 77” Covid cases. Hence, Macomb, with 1/3 less population- had+14 new Covid cases day 5/2/20 than Cuyahoga County. Per Ex 5 pg. 2, “May 2, 20 Daily Average 3.4 New deaths 0” Cuyahoga County. Ex 6 “May 2, 20 Daily Average 16 New deaths 11” Macomb County, showing increased risk (Ps’)16x death rate-adjusted 30% more population. Ps’were “self-isolating” Cleveland having to exit single family home creating infinite increase in Covid exposure. Ds’ Does Fouts, Scott, should have as MI abandoned vehicle statute reads, ran plates, vin, and determined owner 52 yr. old P-N “at risk” individual as defined by covid emergency orders,

Ex 25 4/2020 Dept of Human Services guidelines, and if they did not “egg shell” theory tort law applies:“ **Torts.** Under eggshell-skull rule,..defendant is liable for all injuries caused by his tortious conduct, even if plaintiff suffers an unusually high level of damage (*e.g.*, due to a pre-existing vulnerability). The rule is supported by the axiom that “a defendant must take a plaintiff as he finds him.” Vosburg v. Putney, 80 Wis. 523 .. seminal case on the eggshell-skull rule. Prosser, Handbook Law of Torts § 43, at 261, Ex 25 4/20 Dept Health Human Serv “staying at home coronavirus crisis ‘to avoid being exposed .., it is important for everyone to stay at home during coronavirus crisis.. immune systems weaken with age, making it harder to fight off infectious diseases. Cancer treatment (which P-N had Beaumont Grosse Point) . weaken immune system can also make it harder for the body to fight off virus..stay home”. P-T per Ex 3/30/20 MetroHealth letter Ex 35 was being treated for prostate cancer 5x week during 5/1/20 towing & Ex 35 p 3 recent heart attack survivor w 3 stents. Ex 26 (D) Fouts covid “The health and safety of residence is our priority..”. Yet (Ds’) Fouts, Does, city policy-makers actions “health and safety of residence” did not apply to (Ps’). (D) employees, police (Ds) Scott, were out towing cars off private property, via (Ds) Does, Fouts, Scott via their “custom & policy”. Ex 36 Affidavit P-T, tenant, para 7-8 said “Warren police were involved in

the 5/1/20 4 car towing” See Ex 49..markings on Honda

“blight”, “WPD”=Warren Police Dept. towing 5/1/20- 4 vehicles, as alleged

“abandoned”, per (Ds’) defense./. see Ex 3 Gov Whitmer order, 3/2020 in

effect towing 5/1/20 “Temporary requirement to suspend activities that are

not necessary to sustain or protect life Covid.. *can result in serious illness or*

death. ..Older adults and .. chronic health conditions are at particular risk,

and there is an increased risk of rapid spread of covid.. close proximity to

one another”, “willful violation of this order is a misdemeanor” Ds Fouts,

Does, Scott, were in violation gov emergency orders D mayor Fouts orders

adopting gov orders. Ps’ Leases=residence (home=4th Amendment) includes

adjacent lot 7560 Hudson fenced Ex 50-pic fence, Ex 65 pic P-N Ex 42 p1-2

conveyance.. 7560 Hudson PID #13-333-278-008. Td39 Ex D, ExA Td1,

Ex 43 pic sent to Doe “uploaded .. May 01, 2020, 10.05 AM” cars-Sentra,

Mazda B4 towing. Other 2 vehicles not pic on adjacent lot. Ex 44 Td39 Ex

E p 1-2-title Mazda, Mazda Ex 2 Pic. Td39 ExF “Evidence of Coverage Mi

No Fault Insurance” 4 cars. Ex 45

Ex 46, Td39 Ex G,-pic ticket wrote by D Doe 5/1/20 7568 Hudson re

tenant= Ex 19 Tsp eviction stayed due to Covid & “harboring in place” telling

tenant to leave when Covid raging, proving Doe-Gauss @ scene 5/1/20 when cars

towed without notice or “opportunity to be heard”, violated 4, 14th Amendment

US Constitution. Ex H Td39 article shows Mayor Fouts “personally involved”, See “promises kept” from Warren Website Ex 47, 48. *Chupa v Morceri, Fouts, et al.*, Case #2:06-cv-12584, complaint para 30. “Defendant Fouts’ action.. was wrongfully motivated by defendant Fouts’ desire to use municipal power to harass and injure plaintiffs”, showing Fouts “custom and policy”. Td39 ExK Afft P Ex 4 p1-2, Ds Does, Scott where aware other tenants in property and did not ascertain who owned cars before tow. Ds’ Does, Scott, did not give Ps’ “notice and an opportunity to be heard, .. right to procedural due process.” *Thompson v Ashe*, 250 F3d 399, 407 CA6 *Mullane v. Central Hanover Bank & Trust Co.*, 339 US 306 “Notice must be reasonably calculated...inform interested parties of a pending action ...opportunity to respond” Ds’ Does, Scott, Fouts, Doe police to tow cars off private property, take personal property 5/1/20, when covid raging, state, city under emergency orders “stay at home” Gov Emergency Orders Ex 3 pg. 1-3, Ex 30 p 1-8 D Fouts 2/26/2020 Emergency Orders

Warren Courts were open, and “custom and policy” in Warren is to write a ticket on vehicle or any alleged infraction, and then administrative hearing date. D Fouts Facebook (FB) pg inciting Ds’, to attack “blight”. Ex 47, 48 D Fouts FB “personally involved, personally liable” as policymaker “ city of warren - State of the City .. June 24th, I promised ..Warren landlords ..tickets for *blighted* homes . . violations International Property Maintenance Code Ex 39 *NILI v City of Warren*,

2015 ED MI Court opined International Property Maintenance Code was illegally applied by City of Warren, (D) Fouts (D) City Council-for failing to have an appeal process among other things. D Fouts. Ex 40 standard Warren Police Commissioner contract gives (D) Doe-Dwyer "policymaking" authority over Warren Police Oxford definition of blight: "vacant properties ..blight on neighborhood" Cars towed by Ds' Service Towing Inc, Hertz Bros et al no "probable cause" per 4th Amendment US Constitution, no search warrant: "right of people to be secure .. persons, houses, papers, and effects, against unreasonable searches..seizures, shall not be violated, .. no warrants shall issue, but upon probable cause" No "procedural due process" as to "notice and an opportunity to be heard" in re taking vehicles, personal property 4,14th Amendment of US Constitution City Warren thru policymakers Ds' Fouts, Does, Scott, knew or should have known had they been properly trained "lack of training" towed vehicles was in violation of US Constitution 4,5,14 Amendment 5/1/20 Ex 17, SAFEAIRBAG.COM, "our records, you have 3 registered vehicles linked to your address.. 7568 Hudson Ave" Federal Dept Trans knows P-N address "airbag safety recall". Constitution does not allow Does, Fouts, Scott to enter private property to inspect vehicles VIN or tow vehicles or to call, conspire with D STI, Hertz Bros. & tow vehicles off private property without court order or take personal property. Gov Ex 3 pg 1-4 , D Fouts, Ex 30 pg 1-8 issued emergency orders covid

pandemic. Gov “emergency orders” did not suspend US Constitution. Ex 54 City of Warren received 3.5 % of its budget from forfeiture. Ds, Does police, Scott should have reviewed falsification 5/1/20 when vehicles towed and reviewed paperwork and should’ve informed Scott, Does after running VIN #'s 4 vehicles were properly titled, plated-Ex 56 duplicate SOS title Silverado, owner P-N. §1983 for unconstitutional customs & practices. Per Ex B Td 1, Ex 55 petition for hearing on abandoned vehicle p. 2 MCL 257.252 “Before determining ..vehicle... is abandoned, police check to see if it is reported as stolen”. Ex B Td1 “Complaint Number 20-18750” yet still allowed 4 cars towed either by “failure to train” or entering conspiracy private tow parties Ds’, or ‘deliberate indifference”.

Ps’ have US Constitutional right due process cl 5, 14th Amendment file police report since physical paperwork shown Doe Warren police officer, Scott, STI, Hertz Bros. Does address falsified to fit statutory definition abandoned vehicle Mi law commit a crime? Doe officer was going to file police report but overridden officer Doe 2. This “failure to report a crime” 5/1/20 when initial cars were towed and 7/21 attempt to file police report shows failure to train actions by Ds’, Does Fouts, Scott deliberate indifference by policymakers Ds Fouts, Does. Ps’ avers Petition for hearing on abandoned vehicle Ex 55, Td1 ExB is *void ab initio* since caused to issue via falsified paperwork, falsified address 257.252a *abandoned vehicle" means ..vehicle .. private property without consent owner. (b).. public*

property ..48 hours, or on a state trunk line highway” following law Td 1 Ex D, E Registration had he been properly trained & not towed cars City of warren website “health and safety of our residents is our priority. it is of utmost importance .. residents informed ..unprecedented times” city of warren covid” approved by (D) mayor Fouts”. Actions of Ds’ Ps’ lives were endangered by state actors creating a situation where Ps’ had to decide to recover \$30G cars- travel from low covid risk county OH to high covid risk county MI to retrieve P cars-enter Service Towing Inc., exposing Ps’ to covid Ex 30 D Fouts 2/26/2020 orders name D “Dwyer/Doe” conferring w/ D Fouts re covid. Ds’ Service Towing Inc, Hertz Bros. et al., had 6 in x 4 inch sign on window “1 person in office” but Ds Service Towing Inc employees not enforcing sign allowing anyone enter 7’x7’ waiting room. When helper retrieve vehicles 2 people in office, exposing P-T to higher incident covid in process. I.e., had P-T contacted covid in waiting room would’ve exposed P-N. D Fouts is “personally liable”, “personally involved” in decisions running City of Warren. 6/21 Fouts state of city address Td39 Ex F, “get absentee out of state landlords”, Td39 Ex G newspaper landlord “arrested” after D Fouts said “target out of state landlords” Ds’ violated Ps’ 42 USC§ 1983, 1985-4,5,14 amendment violation US Constitution to be free of unconstitutional search & seizure & privacy 5/1/20. Ds all times relevant to action acting under color of state law. Ds’ Does, Scott, via custom and policy acting thru policymaker Fouts, Does,

made warrantless seizure of Ps' property, tow 4 vehicles, take personal property violating 4,14th Amendment US Constitution. At all times Ds' Does, Scott, Fouts acted pursuant to "policy or custom" in depriving P-N cars, P-T personal property without court order or opportunity be heard, acting in individual capacities in conspiracy &/or concert with private parties. D city of warren Doe policymakers failed to adopt clear policies, failed to properly train its employees Ds Does, Scott, entering private property during covid emergency.

Ds' taking P-N cars, P-T personal property caused Ps' "at risk person" leave low covid Cuyahoga County OH to travel to high Covid Macomb MI, exit "self isolation" retrieve cars endangered Ps' lives violates 42 USC Sec 1983, 1985, 1988 in violation gov emergency orders, D Fouts emergency orders "Ps' can ..invoke federal court jurisdiction.. suffered .. *threatened* or actual injury resulting from .. putatively illegal action." *Linda RS v Richard D*, 410 US 614, 617, Fouts, Does Scott, ignored Gov emergency covid orders towing "threatened ..injury resulting from putatively illegal action" *Linda RS id.*, violated Ps' Due Process, 4,5,14th Amendment US Constitution. Ds' violated Ps' US Constitutional rights Due Process Cl 4, 5, 14th Amendments when address falsified on paperwork submitted MI SOS Ex 63 invoices give Ds' alleged authority tow vehicles 5/1/20, & failed to allow Ps' to file police report. Ps' ask for order Ds' policymakers Fouts, Does, Scott, violated Ps' US Constitutional rights Due Process Cl 4,5,14th Amendment

ensures no party will be deprived of property without notice and an opportunity to be heard” *Fuentes v Shevin*, 407 US 67, 80, protection of property ..extended to “any significant property interest”, “uninterrupted use of one's vehicle.. property interest, .. before ‘local government may so interrupt its use, owner is entitled to due process’ *Bell v Burson*, 402 US 535, 539. Ps’ avers towing 4 registered, titled, plates, insured cars without notice, without court order is an improper seizure prohibited by 4th Amendment. .. include protection of privacy against arbitrary invasion & taking personal property behind house. *US v Ortiz*, 422 U.S. 891, “*Jacobsen*, 4th Amendment protects 2 types of expectations, involving ‘searches,’ .. other ‘seizures.’ A ‘search’ occurs.. expectation of privacy .. society.. is infringed. .. ‘seizure’ of property occurs ..interference ..individual's possessory interests” 4,14 Amendments Due Process Clause § 1983 for unconstitutional customs & practices. Ps’ avers “outrageous conduct” in concert &/or conspiracy with Scott, Does, Fouts, city Hertz Bros., STI in a conspiracy.

Per complaint facts Ds’ violated Ps Constitutional rights US Constitution, 5, 14th amendment, Due Process Cl 42 USC 1983, 1985, 1988. “42 USC 1983 imposes civil liability ..person acting under color of state law who deprives another.. rights, constitution” *Kallstrom v Columbus*, 136 F3d 1055, 1060 6CA “state ..not..greatly increase..risk of harm .. citizens without due process of law through its own affirmative acts” *id* 1066. Ps’ claims Ds’ Does, Fouts, city actions were liable for

(Ps') increased "state created danger" theory of liability. "liability under state-created-danger theory ..affirmative acts by state which either create or increase ..risk ..individual will be exposed to private acts of danger" id. "to bring a 'state created danger' claim,..show:'an affirmative act by state.. either created or increased risk (Ps') would be exposed to an act.. 2) a special danger to (Ps') ..state's actions placed (Ps').. at risk, .. affects..public at large; 3) state knew or should have known..actions .. endangered (Ps')" *Jones v Reynolds*, 438 F3d 685, 690 6CA *Harlow*, 457 US @ 818). *Kallstrom*, "an individual's 'interest in preserving her life .. constitutional dimension.'" *Id* 1063 Ex3 gov emergency orders, covid, Ds' Does,, Fouts, Scott, knew or should have known towing 4 vehicles cause Ps' exit self-isolation, violate Ds' Fouts, Gov "emergency orders" to retrieve cars or lose exposing Ps' to "state created danger", "1) affirmative act by state (employees) .. either created or increased risk (Ps') would be exposed 2)..special danger to (Ps')..state's action placed (Ps').. at risk", *Cartwright v City of Marine City*, 336 F3d 487, 493 CA6. Ds' were aware Covid, 5/1/20, Ds' Fouts entering "emergency orders", Ex 23 Fouts 2/26/20 press release re covid. D "Doe" gov orders "self-isolation" cause Ps' exit self-isolation, retrieve cars. Ds' policymakers Does, Fouts, failure to train Does, Scott. Per Ex5 "May 2, 2020" when (Ps') left Cuyahoga County, OH, New York Times Tracking Coronavirus "Daily Average 63.. " cases, covid. Per Ex 5 pg. 5 pg. 2,"May 2, 20, "Daily


average (deaths) 3.4 New Deaths 0", Cuyahoga County. Ex12, Cuyahoga County Pop. 1.241 million 2020. Ex 11, Macomb County Pop 870,893 2020, Ex 6 Macomb County "May 2, 20: "Daily Average 77" Covid cases. Hence, Macomb, with 1/3 less population-had+14 more new covid cases per day than Cuyahoga County. Daily Average 16 New deaths 11" Macomb County, showing increased risk (Ps')16x+Death Rate-adjusted 30% more population. Ex 22 Cuyahoga County Exec Budish, "Summer 2020..Covid..Crisis ..worst crisis we have lived through..". Ds' endangering Ps' lives thru their actions, "§1983 for unconstitutional customs and practices". See D Fouts 2/26/20 Press Release Ex 23, "We have implemented a public health management decision making training for all Police...Covid (p3) Our residents can feel ease knowing that their health and well being ...will be my number-one priority...beginning with.. Commissioner . Doe-Dwyer.. ensure your safety", of Ds' policymakers Fouts, Doe, See Td39 Ex Q p3 Sec 7.3 Duties of the Mayor D Fouts, "enforcement of ordinances ..council.."

Per facts Ds' violated Ps' US Constitutional rights Due Process 5,14 amendments to make police report if laws broken. 7/21 Ps' attempted make police report @ Van Dyke Warren substation w Doe concerning "falsification" address vehicles were towed. Police officer Doe Complaint #20-18750 Td1 Ex B Pet for Hrg. This "failure to report a crime" 5/1/20 cars towed & 7/21 attempt file police report violated Ps' Constitutional Due Process to "procedural due process" right "report a

crime”, file a complaint. Gov Covid Order 4/30/20 “spread .. virus is for people to stay home and keep their distance from others. .. hold on evictions’ Doe Ex 46, Ex G Td39 5/1/20 ticket tenant 7568 Hudson - in violation of gov orders- tenant eviction Td39 ExU, Tp Ex19#206101LT stayed 3/20 eviction pandemic emergency orders Td39, Ex Z gov emergency order No. 2020-70 Ex G:Doe Ex 46 5/1/20 ticket “tenants to leave..uncertified building” during covid when Gov orders “harbor in place” “stay” evictions. Ex U (D) Scott @ 8/21 eviction hearing Ex 19 D-Scott “could not be evicted”. Ps’ state Ex 46, 5/1/20 ticket was ruse to illegally enter private property-tow 4 cars take personal property.

Did falsifying address Td1 Ex B,C, Td39 ExW rise to Due Process violation 5, 14th Amendment US Constitution?. Falsification is imputed to Ds’ Does, Fouts, Scott via lack of training, custom and policy, deliberate indifference.§1983 for unconstitutional customs & practices. *Monroe v Pape*, 365 US 167, 174-76 Supreme Court held .. non-state actors can, ...engage in conduct under “color of State law,” ..subject to liability under..1983 where they “act jointly” or conspire with state government officials. *Brentwood Acad. v Tenn Secondary Sc. Ath Ass’n*, 531 US 288, 296 “finding liability..criminal law 1983, acting in “conspiracy”, “jointly” in re private parties Service Towing Inc Able Towing LLC Hertz Bros et al. At all times policymakers Ds Fouts, Does, Scott acted pursued policies, practices, deliberate indifference ..direct and cause of unconstitutional violations.

Policies include, Does, Fouts, failure to supervise, Ds Scott. Ds' Fouts, Does have policy making authority Warren #2:21-cv-10446-DPH-APP ECF No. 1, PageID.18 Filed 2/26/21 p 18/26 Warren to implement proper training for Warren police officers, city workers. Warren historically failed to train *Moldowan v Warren*, 157 F3d, 351, 393-394 6CA Warren imputed to policymakers Ds' Does, Fouts *Monell v Dep't of Soc. Servs of NY* 436 US 658, 691 "liability attach when official caused a constitutional violation acting as "final policymaker", i.e. policymakers Does, Fouts directing grills be seized, tow cars via policy by D Scott, Cummins, Ps' grills taken 5/1/20, Td39 Ex DD, Warren Weekly 4/21, grills legal in Warren, contrary D Fouts wishes. D Gauss, continue to seize grills-grill never illegal, in violation of 4/21 Warren Ord passed by Warren City council. & or § 1983 for unconstitutional customs and practices of Ds'

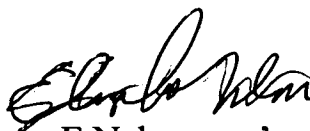
Respectfully submitted,

Elizabeth Nelson pro'se / Albert Thrower pro'se

CERTIFICATE OF SERVICE

A copy of this motion has been served on all counsel for defendant's 1st class mail with tracking this 6/1/2023 to:

Rachel Selina (P85430)
255 E Brown St Suite 320
Birmingham, MI 48009

Jennifer Mead
PO 806042
St Clair Shores 48080


E Nelson pro'se / Albert Thrower pro'se

Cont

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Exhibit 64 Receipt 37th District Court Tsp Case 7/19/ 21 \$50

Exhibit 65 P Nelson enjoying adjacent side lot 7560 Hudson Ave

Exhibit 66 Receipt for 2020 Michigan sticker-car towed

- ⑤ February 18, 2020
Due to the high case load and numbers of asymptomatic individuals testing positive for COVID-19, all passengers and crew of the Diamond Princess cruise ship are quarantined off the coast of Japan, placed under travel restrictions, and are prevented from returning to the U.S. for at least 14 days after they have left the Diamond Princess.

- ⑤ February 23, 2020
As Italy becomes a global COVID-19 hotspot, the Italian government issues Decree-Law No. 6, containing urgent measures to contain and manage the epidemiological emergency caused by COVID-19, effectively locking down the country.

- ⑤ February 25, 2020
CDC's Dr. Nancy Messonnier, the incident manager for the COVID-19 response, holds a telebriefing and braces the nation to expect mitigation efforts to contain the SARS-CoV-2 virus in the U.S. that may include school closings, workplace shutdowns, and the canceling of large gatherings and public events, stating that the "disruption to everyday life may be severe."

- ⑤ February 28, 2020
CDC reports four additional presumptive positive cases of COVID-19 in California, Oregon, and Washington: one case is likely travel-related, but three are likely due to community spread of the SARS-CoV-2 virus in the U.S.

- ⑤ February 29, 2020
CDC updates its Criteria to Guide Evaluation and Testing of Patients Under Investigation (PUI) for COVID-19 to any patients with a severe respiratory illness even in the absence of travel history to affected areas or known exposure to another case to prepare for possible widespread person-to-person transmission.

FDA announces a "new policy...for certain laboratories that develop and begin to use validated COVID-19 diagnostics before FDA has completed review of their emergency use authorization (EUA) requests," allowing laboratories to create tests to address testing shortages in the U.S.

CDC and the Washington Department of Public Health report the first death in an individual with laboratory-confirmed COVID-19 in the U.S. The patient was a male in his 50s who was hospitalized with a pneumonia of unknown cause and later died of his illness.

- ⑤ March 1, 2020
CDC creates a hospitalization surveillance network for the SARS-CoV-2 virus called "COVID-NET" to track the numbers and rates of COVID-19 hospitalizations by modifying existing respiratory virus surveillance networks that monitor for hospitalizations associated with influenza and Respiratory Syncytial Virus (RSV).

Ex 1 p 1

- ② March 3, 2020
CDC reports 60 cases of COVID-19 across Arizona, California, Florida, Georgia, Illinois, Massachusetts, New Hampshire, New York, Oregon, Rhode Island, Washington, and Wisconsin. Of the 60 COVID-19 infections detected, 21 are travel-related, 11 are from person-to-person spread, and 27 are unknown.
- ② March 6, 2020
The Grand Princess cruise ship is stranded off the California coast after officials learn that a California man who had traveled on the ship last month contracted COVID-19 and died. The California Air National Guard drops off a limited supply of testing kits by helicopter; more than 3,500 people are aboard the ship, but only 46 are able to be tested and 21 (mostly crew members) test positive.
- ② March 11, 2020
After more than 118,000 cases in 114 countries and 4,291 deaths, the WHO declares COVID-19 a pandemic.
- ② March 12, 2020
FDA no longer requires CDC to perform confirmatory testing for a positive COVID-19 diagnosis.
- ② March 13, 2020
The Trump Administration declares a nationwide emergency and issues an additional travel ban on non-U.S. citizens traveling from 26 European countries due to COVID-19.
- ② March 14, 2020
CDC issues a "no sail order" for all cruise ships— calling for them to cease activity in all waters that the U.S. holds jurisdiction over.
- ② March 15, 2020
States begin to implement shutdowns in order to prevent the spread of COVID-19. The New York City public school system— the largest school system in the U.S., with 1.1 million students— shuts down, while Ohio calls for restaurants and bars to close.
- ② March 16, 2020
CDC launches "Clara-Bot," a COVID-19 symptom checker, on its website.

New and old guidelines begin circulating among state health departments for who gets critical care in the event of ventilator shortages: Massachusetts and Pennsylvania use a point system prioritizing patients by likelihood of benefitting from ICU care, while New York's 2015 plan relies on "exclusion criteria"— a list of medical conditions that would make a patient ineligible, like traumatic brain injury, severe burns, or cardiac arrest. Alabama's exclusion criteria list, released in 2010 and since removed from publication, included both "severe or profound mental retardation" and "moderate to severe dementia."

Ex 1 p 2

March 17, 2020

- Moderna Therapeutics begin the first human trials of a vaccine to protect against COVID-19 at a research facility in Seattle, Washington.

The University of Minnesota launches a clinical trial testing hydroxychloroquine, an FDA-approved drug for the prevention and treatment of malaria, for the treatment of COVID-19.

The Centers for Medicare & Medicaid (CMS) temporarily expands telehealth benefits, enabling beneficiaries to receive a wider range of healthcare services from their doctors without having to travel to a healthcare facility.

March 19, 2020

- CDC asks healthy people to donate blood if they are able amid a national shortage of blood during the COVID-19 pandemic.

California governor Gavin Newsom issues a statewide stay-at-home order to slow the spread of COVID-19 instructing residents to only leave their homes when necessary and shutting down all but essential businesses.

March 27, 2020

- The Trump Administration signs the Coronavirus Aid, Relief, and Economic Security (CARES) Act into law. The act includes funding for \$1,200 per adult (with expanded payments for families with children), expanded unemployment benefits, forgivable small business loans, loans to major industries and corporations, and expanded funding to state and local governments in response to the economic crisis caused by COVID-19.

Apple, in partnership with HHS, CDC, and the White House Coronavirus Task Force, releases an app with a COVID-19 symptom and exposure questionnaire telling people how to isolate and monitor symptoms and giving recommendations on testing and when to contact a medical provider if they believe they have contracted or have been exposed to the SARS-CoV-2 virus.

March 28, 2020

- To prevent the spread of COVID-19, the White House extends all social distancing measures until through the end of April 2020.

FDA issues an EUA to allow hydroxychloroquine sulfate and chloroquine phosphate products to be added the Strategic National Stockpile for the treatment of COVID-19.

CDC distributes a Health Alert Network (HAN) warning against using chloroquine phosphate without the recommendation of a doctor or pharmacy after one person is made seriously ill and a second dies from ingesting non-pharmaceutical chloroquine phosphate (a chemical aquariums use that is commercially available for purchase at stores or online) to prevent or treat COVID-19.

CDC issues a domestic travel advisory for New York, New Jersey, and Connecticut due to high community transmission of COVID-19 in those states, urging residents to refrain from all non-essential domestic travel for at least 14 days, effective immediately.

Ex 1 p 3

March 31, 2020

- At a White House Press Briefing, Dr. Anthony Fauci and Dr. Deborah Brix announce that between 100,000 and 240,000 deaths in the U.S. are expected— even if social distancing and public health measures are perfectly enacted.

The Journal of the American Medical Association Ophthalmology reports that COVID-19 can be transmitted through the eye. One of the first warnings of the emergence of the SARS-CoV-2 virus came late in 2019 from a Chinese ophthalmologist treating patients in Wuhan, Li Wenliang, MD, who died at age 34 from COVID-19.

April 3, 2020

- At a White House press briefing, CDC announces new mask wearing guidelines and recommends that all people wear a mask when outside of the home.

CDC warns the public about phone scams and phishing attacks that appear to originate from CDC and ask for donations from individuals. This is government impersonation fraud— federal agencies do not request donations from the public.

April 4, 2020

- CDC launches a new weekly SARS-CoV-2 virus surveillance report called "COVIDView" summarizing weekly data on COVID-19 hospitalizations, deaths, and testing.

More than 1 million cases of COVID-19 had been confirmed worldwide, a more than ten-fold increase in less than a month.

April 6, 2020

- Hundreds of doctors and civil rights groups urge CDC and the U.S. government to release race and ethnicity data on COVID-19 case-numbers in order to reveal the true impact of the virus on communities of color.

April 7, 2020

- Data from the Chicago Department of Public Health reported by the Chicago Tribune shows that despite being about 30% of the total population, Black people account for 68% of the COVID-19 related deaths in Chicago and are dying of COVID-19 at a rate nearly six-times greater than that of White Chicagoans, who account about 33% of the population and approximately 14% of deaths. These numbers illuminate for many the racial disparities of the COVID-19 pandemic in the U.S.

HHS announces \$186 million in additional funding to state and local jurisdictions for the COVID-19 response.

April 8, 2020

- HHS announces first contract for ventilator production under the Defense Production Act with General Motors.

April 9, 2020

- CDC modifies and extends the no sail order for all cruise ships.

Ex 1 p 4

April 10, 2020

- With over 18,600 confirmed deaths and more than 500,000 confirmed cases in under four months, the U.S. is the country with the most reported COVID-19 cases and deaths, surpassing Italy and Spain as a global hot-spot for the virus.

With 159,937 confirmed cases, New York State now has more reported cases of COVID-19 than Spain (153,000), Italy (143,000), or China (82,000). Amid critical hospital bed and ventilator shortages, aerial images emerge of workers in hazmat suits burying coffins in mass graves at Hart Island off the Bronx, an area used for over 150 years by New York City officials as a mass burial site for those with no next-of-kin or who cannot afford funerals.

April 13, 2020

- Most states in the U.S. report widespread cases of COVID-19.

At a White House press briefing, President Trump announces that the U.S. will cease contributing funding to the WHO, shaking the global public health community.

April 16, 2020

- The Trump Administration releases a plan outlining how states should reopen, calling for states or metropolitan areas to meet benchmarks like reducing COVID-19 cases or deaths before reopening or stopping mitigation strategies (like required masking), also known as "gating

April 20, 2020

- As the COVID-19 pandemic grows, shortages of personal protective equipment (PPE) like gowns, eye shields, masks, and even body bags, become dire— particularly in New York

April 22, 2020

- After two pet cats in separate areas of New York state test positive for the SARS-CoV-2 virus, CDC recommends that people restrict their pets' interactions with other people or animals outside their household to prevent the spread of COVID-19.

April 23, 2020

- Using funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act, CDC announces \$631 million to fund and expand the existing Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC), allowing state health departments to expand their capacity for the testing, contact tracing, and containment of COVID-19.

April 24, 2020

- Georgia, Alaska, and Oklahoma begin to partially reopen their states despite concerns from health experts saying it was too early to reopen.

Ex 1 p 5

- April 26, 2020
Clinicians in the U.S. and U.K. report clusters of children and adolescents requiring admission to intensive care units (ICUs) with a multisystem inflammatory condition that can lead to multorgan failure— similar to Kawasaki disease and toxic shock syndrome. This condition will become known as Multisystem Inflammatory Syndrome in Children (MIS-C), a serious inflammatory condition that affects children with current or recent COVID-19 infections.

- April 28, 2020
Polls show that many people in the U.S., particularly those ages under 30 years or making less than \$40,000 per year, plan to defer medical care because of the cost of treatment due to the lack of insurance or being under-insured, potentially leading to the further spread of COVID-19, the under-reporting of case numbers, and excess deaths from COVID-19 and other preventable diseases.

- April 30, 2020
The Trump Administration launches Operation Warp Speed, an initiative to produce a vaccine against the SARS-CoV-2 virus as quickly as possible. The operation funds the development of six promising vaccine candidates while they are still in the clinical trial phase, including the Pfizer-BioNTech and Moderna mRNA vaccines.

Since mid-March 2020, more than 26.5 million people in the U.S. have filed for unemployment, increasing the number of people without health insurance amid a pandemic.

Mid 2020

- May 1, 2020
FDA issues an emergency use authorization (EUA) for the use of the antiviral drug Remdesivir for the treatment of suspected or confirmed COVID-19 in people who are hospitalized with severe disease.

CDC develops the "PPE Burn Rate Calculator," a spreadsheet-based model made to help healthcare facilities plan and optimize the use of personal protective equipment or PPE for the COVID-19 response and publishes it on the Apple and Android App stores.

CDC launches the SARS-CoV-2 Sequencing for Public Health Emergency Response, Epidemiology and Surveillance (SPHERES), a national network to provide real-time genomic sequencing data to public health response teams investigating COVID-19 cases, allowing them to track the SARS-CoV-2 virus as it evolves.

As some countries discuss re-opening, WHO convenes the International Health Regulation Emergency Committee for a third time and declares that the global COVID-19 pandemic remains a Public Health Emergency of International Concern (PHEIC).

Ex 1 p 6



RENTAL AGREEMENT

THIS IS A LEGALLY BINDING CONTRACT.
IF NOT UNDERSTOOD, CONSULT AN ATTORNEY.

The Tenant(s) known as Elizabeth Nekom hereby agree to rent the dwelling located at 2568 Hydson Ave Lower Warren MI 48091
The premises are to be occupied by the above named tenants only. Tenant may not sublet premises.

TERM The term shall commence on 8-1-18, at \$ 600 per month payable on the 1st of each month in full.

LATE FEES In the event rent is not paid by the 10 (5th) day after due date, Tenant agrees to pay a late charge of \$ 10

UTILITIES Tenant shall be responsible for the payment of the following utilities: water, electric, gas, heating fuel, Telephone.

APPLIANCES Appliances provided in this rental are: oven, refrigerator, dishwasher, washing machine, dryer, air conditioner(s).
Repairs will be born by said Tenants if damage is due to negligence of Tenants.

SECURITY Amount of security deposit is \$ NA. Security shall be held by Landlord until the time said Tenants have vacated the premises and Landlord has inspected it for damages. Tenant shall not have the right to apply Security Deposit in payment of any rent. Security deposits must be raised proportionately with rent increases.

INSURANCE Tenant is responsible for liability fire insurance coverage on premises. Tenant agrees to obtain a "Renter's Insurance" policy and to provide Owner or agent with a copy of policy within seven (7) days of lease execution.

NOTICES Should tenant decide to vacate the premises, a 10 day written notice to the landlord is required. Should landlord decide to have tenants vacated, a 10 day written notice is required. Tenant agrees to allow premises to be shown at any and all reasonable times for re-rental.

REAL ESTATE COMMISSION (If applicable) In the event a commission was earned by a real estate broker, Tenant shall not take possession of the premises unless all fees due broker are paid in full as agreed. Commission is payable when this lease is signed by the Tenant(s). It is solely for locating the rental for the Tenant and is not refundable under any circumstances regardless of any disputes or conditions between the Landlord and Tenant before or after occupancy is taken.

ACKNOWLEDGMENT Tenants hereby acknowledge that they have read, understand and agree to all parts of this document, and have received a copy.

	AMOUNT RECEIVED	BALANCE DUE
RENT:	<u>600</u>	_____
SECURITY:	_____	_____
BROKER'S FEE:	_____	_____

THE UNDERSIGNED TENANT(S) ACKNOWLEDGES RECEIPT OF A COPY HEREOF.

DATE: 8-10-2018

OWNER/AGENT

St Anthony the
ADDRESS

PHONE Great Orthodox

TENANT

TENANT

PHONE

Elizabeth

Ex 2

Executive Order 2020-21: Temporary requirement to suspend activities that are not necessary to sustain or protect life - RESCINDED

EXECUTIVE ORDER**No. 2020-21**

Temporary requirement to suspend activities that are not necessary to sustain or protect life

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. There is currently no approved vaccine or antiviral treatment for this disease.

<https://www.industrydocuments.ucsf.edu/docs/2001>

1994

070000, 0407 PM

Executive Order 2020-21: Temporary replacement to suspend activities that are unnecessary to sustain or protect life - <https://www.federalregister.gov/documents/2020/04/09/2020-07831/executive-order-2020-21-temporary-replacement-to-suspend-activities-that-are-unnecessary-to-sustain-or-protect-life>

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-33.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945, provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.37(1).

To suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, and to avoid needless deaths, it is reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible.

This order takes effect on March 24, 2020 at 12:01 am, and continues through April 13, 2020 at 11:59 pm.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. This order must be construed broadly to prohibit in-person work that is not necessary to sustain or protect life.

2504

Ex 3 p 1

ORDER, 06/07/23

Executive Order 2020-01: Temporary requirement to suspend activities that are not necessary to sustain or protect life - RESCINDED

2. Promoting remote work to the fullest extent possible.

3. Encouraging workers and persons who are on premises at least six feet from one another to the maximum extent possible, including for customers who are standing in line.

4. Increasing standards of facility cleaning and disinfection to limit visitor and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.

5. Adopting policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person who is known or suspected to have COVID-19.

6. Any other social distancing practices and mitigation measures recommended by the Centers for Disease Control.

6. All in-person government activities at whatever level (state, county, or local) that are not necessary to sustain or protect life, or to supporting those businesses and operations that are necessary to sustain or protect life, are suspended.

1. For purposes of this order, necessary government activities include activities performed by critical infrastructure workers, including workers in law enforcement, public safety, and first responders.

2. Such activities also include, but are not limited to, public transit, trash pick-up and disposal, activities necessary to manage and oversee elections, transportation of goods and services, and other activities necessary to sustain or protect life - RESCINDED

074

ORDER, 06/07/23

Executive Order 2020-01: Temporary requirement to suspend activities that are not necessary to sustain or protect life - RESCINDED

operations necessary to enable transactions that support the work of a business's or consumer's critical infrastructure workers, and the manner in which safe and sanitary public parks so as to allow for outdoor recreation.

3. For purposes of this order, necessary government activities include minimum basic operations, as described in section 4(b). Workers performing such activities need not be designated.

4. Any in-person government activities must be performed consistently with the social distancing practices and other mitigation measures to protect workers and patrons described in section 5(c).

7. Exceptions.

1. Individuals may leave their home or place of residence, and travel as necessary:

1. To engage in outdoor activity, including walking, hiking, running, cycling, or any other recreational activity consistent with remaining at least six feet from people from outside the individual's household.

2. To perform their jobs as critical infrastructure workers after being so designated by their employers. (Critical infrastructure workers who need not be designated under section 5(b) may leave their home for work without a designation.)

3. To conduct minimum basic operations, as described in section 4(b), after being designated to perform such work by their employers.

<https://www.federalregister.gov/documents/2020/03/20/20030101-executive-order-2020-01>

074

EX 3 p2

AFFIDAVIT OF PLAINTIFF ELIZABETH NELSON

Now comes the affiant under 28 USC Section 1746 "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that"

Everything is true in the complaint and amended complaints and motion for summary judgment same as if rewritten herein

- 1) All exhibits are copies of originals and all facts are true in the complaint same as if rewritten herein
- 2) Affiant was in Cleveland Ohio when notified cars missing, "self-isolating" since she is deemed "at risk" for COVID 19
- 3) 4/25/20 Doctor @ Eastern Michigan told affiant "Do not come to Michigan because everything is going crazy because of COVID 19.
- 4) Affiant contacted landlord THROWER 5/2/20 who was "self-isolating" being treated for prostate cancer METROHEALTH CLEVELAND Ohio, to drive her to WARREN MICHIGAN to retrieve her 4 vehicles
- 5) Affiant was terrified to travel to Michigan and have to interact with people while the COVID 19 was raging.
- 6) On 7/5/21, affiant took an ambulance to MACOMB ASCENSION HOSPITAL 12 Mile & Hoover and was admitted for an infection.
- 7) Affiant pulled her 2008 Honda Civic behind house at 7568 Hudson Ave Warren Mi.
- 8) Honda was operable 7/7/21 as it was driven away from (S) SERVICE TOWING INC. see Ex I pic @ SPEEDWAY GAS STATION MOUND AFTER TOWING RELEASE
- 9) Affiant was informed by ALBERT THROWER-LANDLORD THAT Warren Police, SERVICE TOWING INC., ROBERT SCOTT, JAMES CUMMINS, AND OTHERS were in the process of towing her car having a view from the basement 7/7/21
- 10) Upon obtaining release of her car affiant notice that paint was missing Ex I where SERVICE TOWING INC., had towed her car from the rear of auto as ALBERT THROWER Ex L Affidavit heard (D) Service Towing Inc. state they had to tow (P) vehicle as same was parked behind house
- 11) When towing her car, defendants Warren Building Inspector JAMES CUMMINS, GHANAM, GAUSS, Robert Scott took her mower, WEBER grill, which pursuant to CITY COUNCIL ORDANCE 4/28/21 see Exh DD WARREN WEEKLY MAY 12, 2021, "Fire pit ordinance stands in Warren" she was allowed to have. Affiant never received WEBER grill back and affiant mower was broken when retrieved from Service Towing Inc., since thrown upside down in landlords 2011 Silverado which was towed at the same time. See Ex affiant purchased new mower from Menards
- 12) Plaintiffs 2008 HONDA was marked "blight" on the windshield by the defendants
- 13) Affiant was never served with any infraction as to her 2008 Honda, WEBER GRILL, and lawn mower when same taken 7/7/21.
- 14) (P) had an agreement w landlord THROWER mow lawn @ 7568 Hudson Ave., and defendants took her mower. Mower was later observed upside down in landlord

Td 39

EX K

Ex 4

- 15) THROWER vehicle when 2011 Silverado-also towed was released from (D) SERVICE TOWING INC.
- 16) Mower would not start-in spite of working before, and had to be scrapped @ GLS Scrap yard, Sherman Ave Warren MI- see Pic O of mower @ GLE scrap yard
- 17) Affiant purchased a new mower @ MENARDS 21 Mile, receipt annexed hereto as Ex BB
- 18) Affiant avers that she was in MACOMB ASCENSION HOSPITAL 7/7/21 when 2nd towing took place. Landlord Thrower called Affiant from basement (as admitted to by (D) Scott, (D) Mayor Fouts Ex L and (P) -affiant heard screaming "I WANT THAT HONDA TOWED"!
- 19) All expenses are correct as annexed to this motion
- 20) Affiant was terrified of (D)s' and that her 4 cars would be towed again 5/2/20 and had to transport same to CLEVELAND OHIO where they would be safe incurring expenses.
- 21) If (Ds) had not towed cars, affiant would not have transported 4 cars to OHIO.
- 22) 5/1/20 1st two cars behind duplex Ex D pic =The other 2 cars- 2012 MAZDA 5 Grand Touring, 2009 Silverado were to the right of the pictured cars behind the security fence Ex N before towed 5/1/20.
- 23) About 7/30/21 affiant went with landlord Thrower to Warren Police substation Van Dyke to make a police report on the falsified address 7528 Hudson Ave
- 24) Pursuant to Title 28 USC Section 1746 "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the affiant avers under the penalty of perjury that everything is true
9/26/2022

Elizabeth Nelson
Elizabeth Nelson 5-31-23
 (EN) *DAW*

Affiant Elizabeth Nelson

EN
~~EX-103~~

EX # *4* *P 2*

AFFIDAVIT OF PLAINTIFF ELIZABETH NELSON

Now comes the affiant under the penalty of perjury per 28 USC Section 1746 and avers:

- 1) Everything is true in the complaint and amended complaints and motion for summary judgment same as if rewritten herein
- 2) All exhibits are copies of originals
- 3) Affiant was in Ohio when notified cars missing, "self isolating" since she is deemed "at risk" for COVID 19
- 4) Doctor @ Eastern Michigan told affiant "do not come to Michigan because everything is going crazy because of COVID 19.
- 5) Affiant contacted ALBERT THROWER who was "self isolating being treated for prostate cancer at METROHEALTH CLEVELAND OHIO, to drive her to WARREN MICHIGAN to retrieve her vehicles
- 6) Affiant was terrified to travel to Michigan and have to interact with people while the COVID 19 was raging.
- 7) On 7/5/21, affiant took an ambulance to ASCENSION HOSPITAL 12 Mile & Hoover and was admitted for an infection.
- 8) Affiant pulled her 2008 Honda Civic behind house at 7568 Hudson Ave Warren Mi.
- 9) Honda was operable
- 10) Affiant was informed by ALBERT THROWER-LANDLORD THAT Warren Police, SERVICE TOWING INC., ROBERT SCOTT, JAMES CUMMINS, AND OTHERS HAD TOWED HER CAR.
- 11) Upon obtaining release of her car affiant notice that paint was missing where SERVICE TOWING INC., had towed her car from the rear
- 12) When towing her car, Warren Building Inspector and Robert Scott took her mower, WEBER grill, which pursuant to CITY COUNCIL ORDANCE 4/28/21 she was allowed to have. Affiant never received grill back and mower was broken when retrieved from Service Towing Inc., since thrown upside down in landlords 2011 Silverado which was towed at the same time.
- 13) Affiant needs DISCOVERY to name defendants that towed affiants cars 5/1/20 for liability, interrogatories, compensation & authenticate "chain of evidence" matters

Pursuant to Title 28 USC Section 1746 the affiant avers under the penalty of perjury that everything is true

5/18/2023


Affiant Elizabeth Nelson

Ex A

Ex 4 p 3

U.S.A.

World

Health

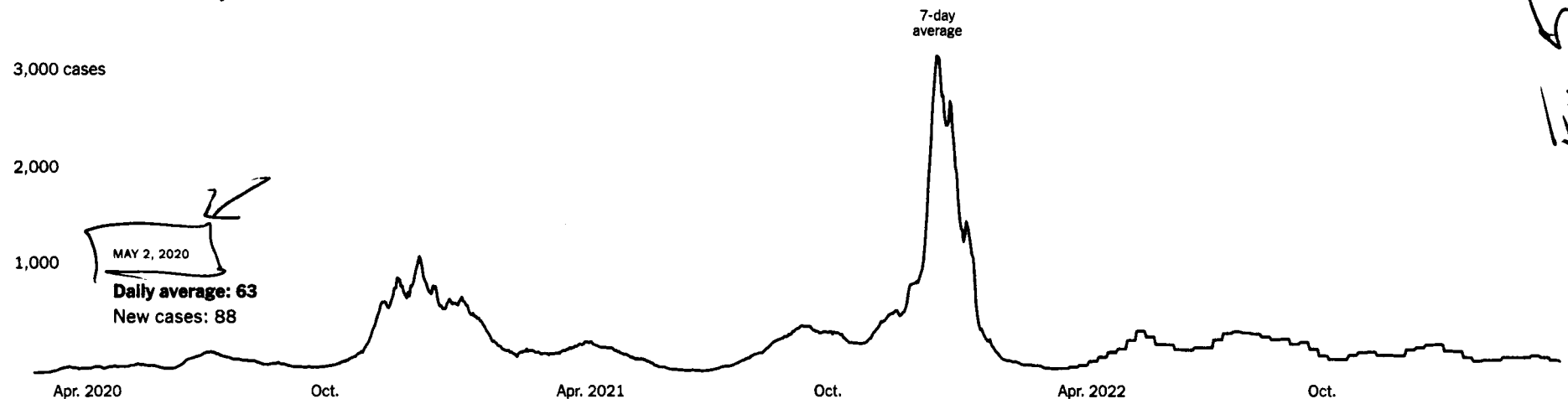
Tracking Coronavirus in Cuyahoga County, Ohio: Latest Map and Case Count

Updated March 23, 2023

We have published redesigned tracking pages to better reflect the current state of the pandemic. See the new pages here, and read this story to learn more about this change.

New reported cases

All time Last 90 days



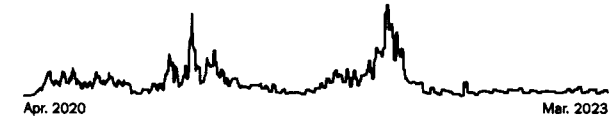
Test positivity rate



Hospitalized



Deaths



	DAILY AVG. ON MAR. 23	PER 100,000	14-DAY CHANGE
Cases	117	9	-25%
Test positivity	7.4%	—	-27%
Hospitalized	235	17	-9%
Deaths	1	<1	—

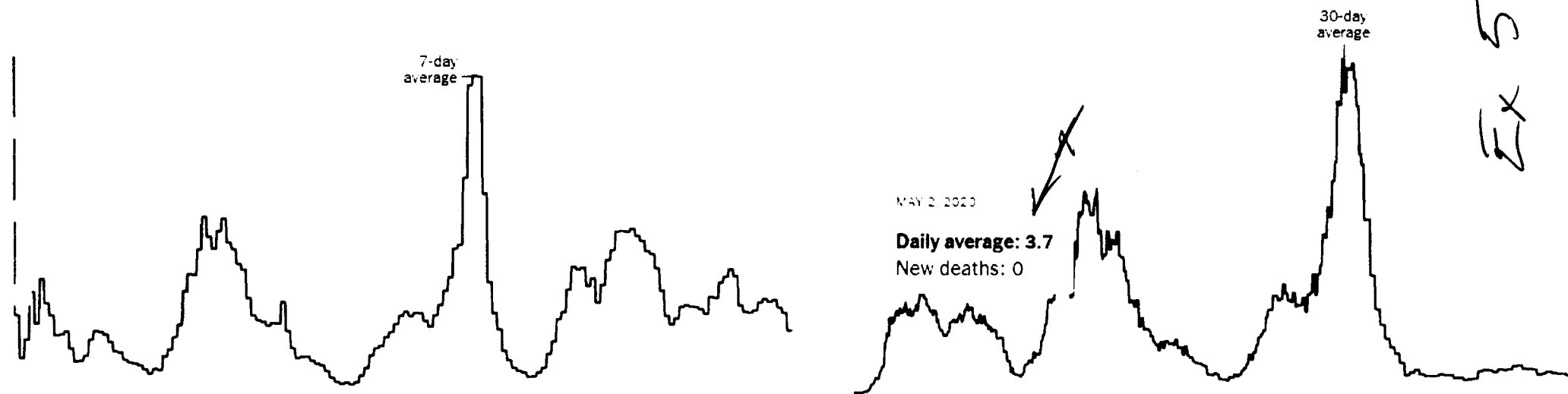
nces

U.S. Cuyahoga County, Ohio Covid Case and Risk Tracker



est positivity rate

New reported deaths by day



Average cases per capita in Cuyahoga County

This calendar shows data through 2022 and will no longer be updated in

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15 deaths

10

5

Apr. 2020

Oct.

Apr. 2021

Oct.

Apr. 2022

Oct.

[About this data](#)**Average cases per capita in Cuyahoga County**

Fewer

More

This calendar shows data through 2022 and will no longer be updated in 2023. The Times will continue to report the data for other displays on this page.

2020

Jan.							Feb.							March							April								
			1	2	3	4							1	1	2	3	4	5	6	7				1	2	3	4		
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Sept.							Oct.							Nov.							Dec.								
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2021

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24	25	26	27	28	29	30	28							28	29	30	31				25	26	27	28	29	30	

5 P 3
Ex

15 deaths

10

5

Apr. 2020

Oct.

Apr. 2021

Oct.

Apr. 2022

Oct.

EX 5
P 4[About this data](#)

Average cases per capita in Cuyahoga County

Fewer

More

This calendar shows data through 2022 and will no longer be updated in 2023. The Times will continue to report the data for other displays on this page.

2020

Jan.							Feb.							March							April							
			1	2	3	4							1	1	2	3	4	5	6	7				1	2	3	4	
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31																					30	31						
Sept.							Oct.							Nov.							Dec.							
			1	2	3	4	5					1	2	3	1	2	3	4	5	6	7			1	2	3	4	5
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2021

Jan.							Feb.							March							April						
					1	2			1	2	3	4	5	6			1	2	3	4	5	6			1	2	3
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10/12/22, 10:39 PM

Macomb County, Michigan Covid Case Tracker - The New York Times

The New York Times<https://nyti.ms/3SjvJEY>

U.S.A.

World

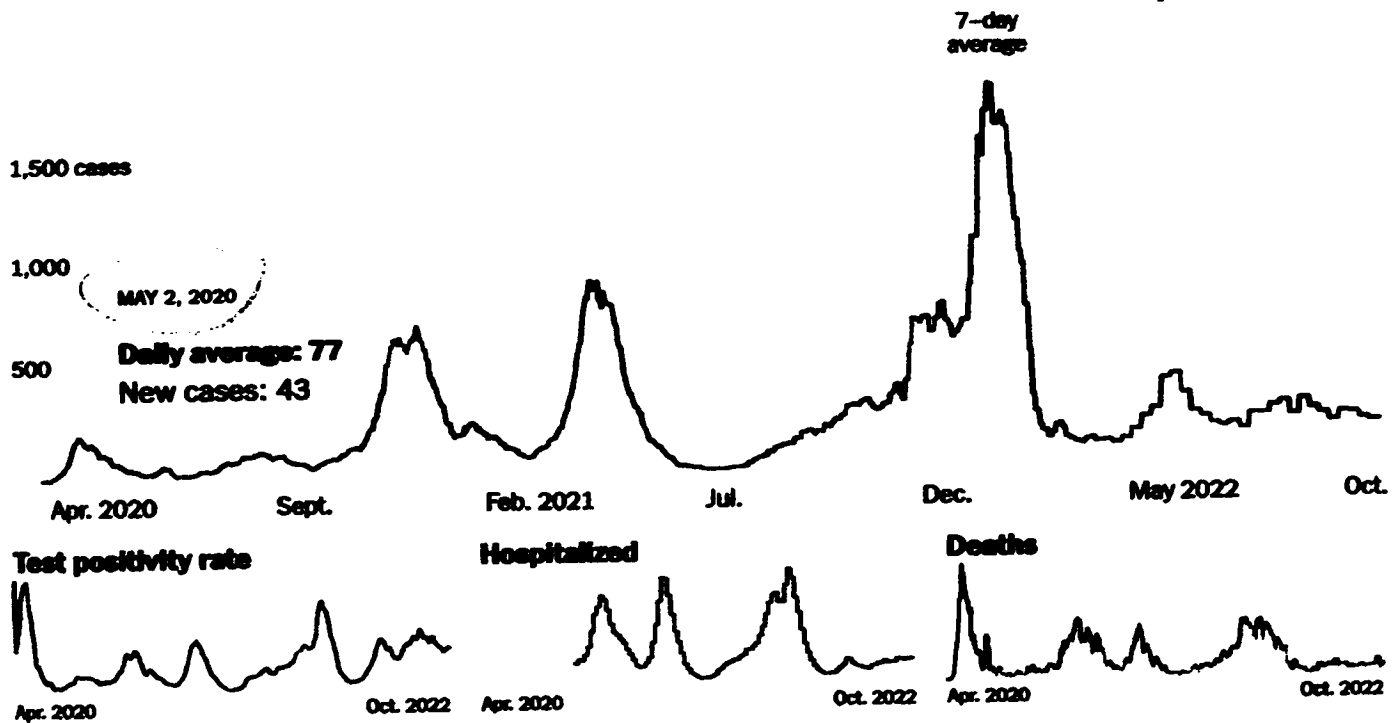
Health

Tracking Coronavirus in Macomb County, Mich.: Latest Map and Case Count

Updated Oct. 12, 2022

New reported cases

All time Last 90 days



	DAILY AVG. ON OCT. 11	PER 100,000	14-DAY CHANGE
Cases	210	24	-4%
Test positivity	18%	—	—
Hospitalized	221	25	+4%
Deaths	2	<1	-33%

[About this data](#)

Ex 6 p 1

U.S.A.

World

Health

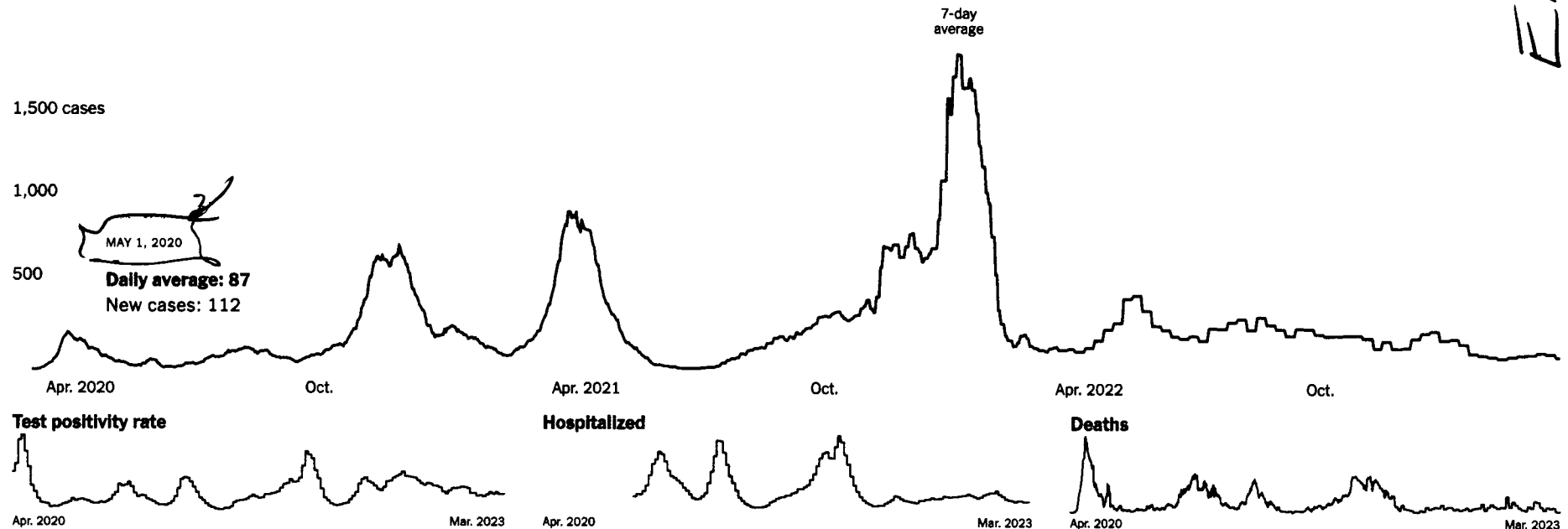
Tracking Coronavirus in Macomb County, Mich.: Latest Map and Case Count

Updated March 23, 2023

We have published redesigned tracking pages to better reflect the current state of the pandemic. See the new pages here, and read this story to learn more about this change.

New reported cases

All time Last 90 days



	DAILY AVG. ON MAR. 23	PER 100,000	14-DAY CHANGE
Cases	85	10	-24%
Test positivity	11%	—	-11%
Hospitalized	149	8	-8%
Deaths	1	<1	—

nces

U.S. Macomb County, Michigan Covid Case and Risk Tracker

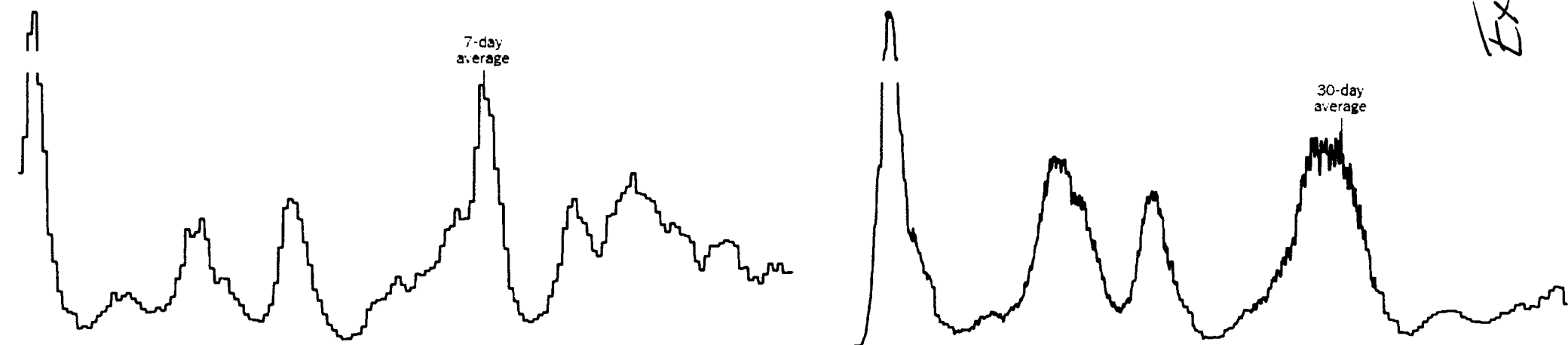


est positivity rate

May 2 2020
New Daily average: 19
New deaths: 11



Ex 6 p3



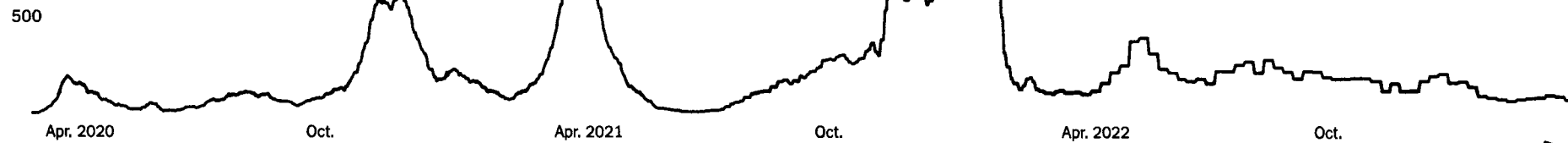
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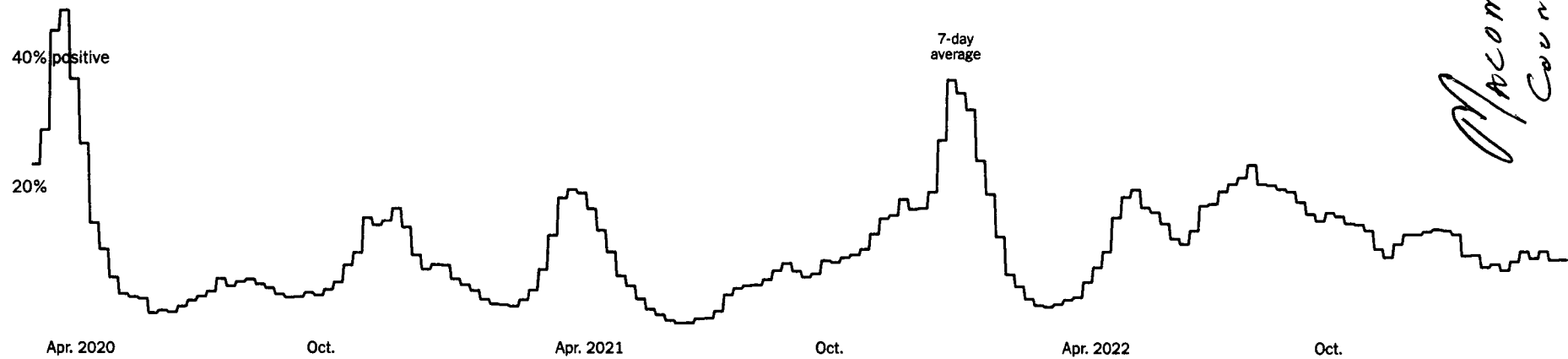


Search

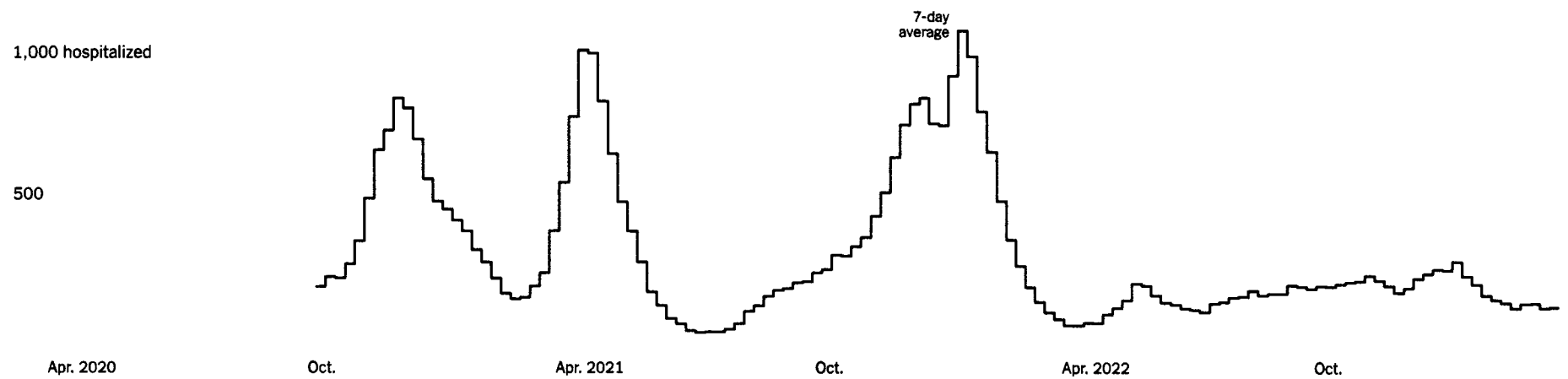




Test positivity rate



Hospitalized Covid-19 patients in the Macomb County area



New reported deaths by day

Macomb
County
Ex 67

Fewer More

This calendar shows data through 2022 and will no longer be updated in 2023. The Times will continue to report the data for other displays on this page.

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			1	2	3	4								1	1	2	3	4	5	6	7				1	2	3	4			
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Sept.							Oct.							Nov.							Dec.										
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6 pb
Ex

About the data

In data for Michigan, The Times primarily relies on reports from the state, as well as health districts or county governments that often report ahead of the state. The state releases new data once a week, though some counties may still report new data more frequently. Michigan released new data daily until September 2020 and weekdays until July 2021, then on select weekdays until April 2022. The state reports cases and deaths based on a person's permanent or usual residence. The state also includes nonresidents diagnosed in the state, but The Times excludes this category since nonresidents are likely also counted in their home state.

The Times has identified reporting anomalies or methodology changes in the data.

More about reporting anomalies or changes

The tallies on this page include probable and confirmed cases and deaths.

Confirmed cases and deaths, which are widely considered to be an undercount of the true toll, are counts of individuals whose coronavirus infections were confirmed by a molecular laboratory test. **Probable cases and deaths** count individuals who meet criteria for other types of testing, symptoms and exposure, as developed by national and local governments.

Governments often revise data or report a single-day large increase in cases or deaths from unspecified days without historical revisions, which can cause an irregular pattern in the daily reported figures. The Times is excluding these anomalies from seven-day averages when possible. For agencies that do not report data every day, variation in the schedule on which cases or deaths are reported, such as around holidays, can also cause an irregular pattern in averages. The Times uses an adjustment method to vary the number of days included in an average to remove these irregularities.

Tracking the Coronavirus

United States

Latest Maps and Data

Cases and deaths for every county

Vaccinations

How many have been vaccinated, and who's eligible

Your Places

Build your own dashboard to track cases

Hospitals Near You

How many I.C.U. beds are occupied

World

Global Vaccinations

How many have been vaccinated, by country

Previous Projects

Latest Maps and Data

Cases and deaths for every country

Vaccines

Track their development

Treatments

Rated by effectiveness and safety

Mask Mandates

See state mask guidance for schools and indoors

Your County's Risk

See guidance for your local area

Nursing Homes

The hardest-hit states and facilities

Colleges and Universities

Cases at more than 1,800 schools

Deaths Above Normal

The true toll of the pandemic in the U.S.

17
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Deaths Above Normal

The true toll of coronavirus around the world

Early Coronavirus Outbreaks

Cases in nursing homes, prisons and other places

Countries

United States

States, Territories and Cities

Alabama

Alaska

Arizona

Arkansas

California

Colorado

Connecticut

Delaware

Florida

Georgia

Guam

Hawaii

Idaho

Illinois

Indiana

Iowa

Kansas

Kentucky

Louisiana

Maine

Maryland

Massachusetts

Michigan

Minnesota

Mississippi

Missouri

Montana

Nebraska

Nevada

New Hampshire

New Jersey

New Mexico

New York

New York City

North Carolina

North Dakota

Northern Mariana Islands

Ohio

Oklahoma

Oregon

Pennsylvania

Puerto Rico

Rhode Island

South Carolina

South Dakota

Tennessee

Texas

U.S. Virgin Islands

Utah

Vermont

Virginia

Washington

Washington, D.C.

West Virginia

Wisconsin

Wyoming

Data

Frequently Asked Questions About the Covid Data

Access the Open Source Covid Data

Handwritten signature and initials, possibly 'P' and 'Ex'.

Credits

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Ex 6 p9



macomb county population



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About 841,000 results (0.59 seconds)

Macomb County / Population

870,893 (2020)Oakland County
1.255 million• Macomb County
870,893

Macomb County

County in Michigan

Macomb County is a county located in the eastern portion of U.S. state of Michigan, bordering Lake St. Clair, and is part of northern Metro Detroit. As of the 2020 Census, the population was 881,217, making it the third-most populous county in the state. The county seat is Mt. Clemens. Wikipedia

Explore more →

Sources include: United States Census Bureau

Feedback

People also ask

What percent of Macomb County is black?

What is Macomb County known for?

What is the racial makeup of Macomb County Michigan?

What is the best city to live in Macomb County?

Population elsewhere

Macomb Township 90,798 (2018)

Wayne County, Michigan 1.753 million (2020)

Destinations

View 1

Lake Saint Clair	Sterling Heights	Warren	St. Clair Shores
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Points of interest

View 1

Ford House	Lake St. Clair Metropark	Blake's Orchard & Cider Mill	Westview Orchards & Winery
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[https://www.census.gov/quickfacts/macombcounty...](https://www.census.gov/quickfacts/macombcounty)

Macomb County, Michigan - U.S. Census Bureau QuickFacts

Population Estimates, July 1 2021, (V2021).. 876,792 ...

[https://en.wikipedia.org/wiki/Macomb_County_Mi...](https://en.wikipedia.org/wiki/Macomb_County_Mi)

Macomb County, Michigan - Wikipedia

As of the 2020 Census, the population was 881,217, making it the third-most populous county in the state. ... The county seat is Mt. Clemens. ... Macomb County is ...

Largest city: Warren	Named for: Alexander Macomb
Seat: Mount Clemens	Congressional districts: 9th, 10th
Clinton Township, Macomb... Washington Township · Bruce Township, Macomb...	

[https://www.michigan-demographics.com/macomb-co...](https://www.michigan-demographics.com/macomb-co)

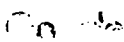
Macomb County Demographics - Get Current Census Data for ...

With 876,792 people, Macomb County is the 3rd most populated county in the state of Michigan out of 83 counties. But watch out, Macomb County, because Genesee ...

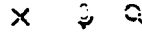
[https://worldpopulationreview.com/us-counties/macomb...](https://worldpopulationreview.com/us-counties/macomb)

Macomb County, Michigan Population 2022

Ex 11



cuyahoga county population



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About 3,810,000 results (0.56 seconds)

Cuyahoga County / Population

1.241 million (2020)

- Cuyahoga County
1,241 million

- Summit County, Ohio
540,810

- Cleveland
383,331

Cuyahoga County

County in Ohio

Cuyahoga County is a large urban county located in the northeastern part of the U.S. state of Ohio. It is situated on the southern shore of Lake Erie, across the U.S.-Canada maritime border. As of the 2020 census, its population was 1,264,817, making it the second-most-populous county in the state. [Wikipedia](#)

Population elsewhere

Ohio	11.68 million (2020)
Franklin County, Ohio	1.386 million (2020)
Lorain County	309,134 (2020)

Destinations

Cleveland Cuyahoga Valley N... Lake Erie Lakewood

Points of interest

The Cleveland Museum... Rock & Roll Hall of Fame Cleveland Metroparks Zoo West Side Market

Explore more →

Sources include: United States Census Bureau

Feedback

<https://www.census.gov/quickfacts/cuyahogacounty...>

Cuyahoga County, Ohio - U.S. Census Bureau QuickFacts

Population estimates base, April 1, 2020, (V2021).. 1,264,817; Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021).

People also ask

What percentage of Cuyahoga County is black?

What is the population of Cuyahoga County Ohio 2021?

Why is Cleveland's Ohio population declining?

What is the racial makeup of Cuyahoga County Ohio?

Feedback

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Cuyahoga County, Ohio - Wikipedia

It is situated on the southern shore of Lake Erie, across the U.S.-Canada maritime border. As of the 2020 census, its population was 1,264,817, making it the ...

County seat: Cleveland Founded: May 1, 1810
Congressional districts: 9th, 11th, 14th, 16th C... Named for: Cuyahoga River
Defunct townships of... County Executive of Cuyahoga... Oakwood

<https://www.ohio-demographics.com/cuyahoga-count...>

Get Current Census Data for Cuyahoga County, OH

population icon Population ... With 1,249,387 people, Cuyahoga County is the 2nd most populated county in the state of Ohio out of 88 counties. But watch out, ...

<https://www.countyplanning.us/census-data/2020-plus>**EX 12**

—

Green references—Buildings and Building Regulations, Chapter 6; Garbage and Rubbish, Chapter 18; Noise, Chapter 21; existing noise-based and existing nuisance described in Article II and Article V; Property Maintenance, Chapter 30; Sign Structures and Sign Permit Fees, Chapter 31; Vegetation, Chapter 36; and generally Appendix A, Chapter 38.

State Law references—MCL 117.4a, MCL 117.4f, and MCL 600.4007.

—

(Ord. No. 80-731, § 1, §-11-15)

Bureau. The administrative hearings bureau.

Financial institution. A state or nationally chartered bank or a state or federally chartered savings and

Government-sponsored enterprise. That term as defined in 2 USC 632(b), or the Michigan State Housing Development Authority created under the State Housing Development Authority Act of 1966, MCL 123.1401 to 123.1499c.

Rules committee. A committee comprised of the city attorney, the public service director, and the director of property maintenance, or their representatives.

responsibility,

Violator. A person who the administrative hearings officer has found responsible for a blight violation.

(Ord. No. 00-731, § 1, 8-11-15)

(b) The bureau does not have jurisdiction over:

- (1) A forecasting governmental unit as defined by MCL 211.76; or
- (2) An authority created under the Land Bank Fast Track Act, MCL 124.751–124.774.

(Ord. No. 80-731, § 1, §-11-15)

- (a) **Appointment.**
(1) The mayor shall appoint the primary administrative hearings officer and one (1) alternate.
- (b) **Qualifications.**

- (1) The primary administrative hearings officer shall be:
- i. A current 37th District Court Magistrate or an attorney licensed to practice law in Michigan; and
 - ii. Qualified as required by MCL 117.4q(1).
- (2) An alternate administrative hearings officer shall be:
- i. A current Michigan District Court Magistrate or an attorney licensed to practice law in Michigan; and
 - ii. Qualified as required by MCL 117.4q(1).

- (1) The primary administrative hearings officer shall:
 - i. Conduct administrative hearings as provided for by the rules of procedure;
 - ii. If the alleged violator was served proper notice and the alleged violator fails to appear at the scheduled hearing, enter an order of default finding an alleged violator responsible for the violation;

Ex 13- p 1

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Chapter 2.5 - ADMINISTRATIVE HEARINGS BUREAU | Code of Ordinances | Warren, MI | Municipal Library

Code of Ordinances Propose necessary rules of procedure changes to the rules committee as provided in section 2.5-5.6(12).

SECTION 2.5-5.6(12)

- IV. Issue written responsibility determinations as provided for by the rules of procedure; and
- V. Impose penalties consistent with section 2.5-7 of this chapter.
- VI. If the primary administrative hearings officer is unable to conduct a hearing, make a determination, or impose a penalty, the alternate administrative hearings officer shall conduct the hearing, make the determination, and, if applicable, impose the penalty in a manner consistent with (c)(1)(I), (iv), and (v) of this subsection.
- (d) Vacancy.
- (1) If the primary administrative hearings officer position is vacant for a period of time longer than thirty (30) days, the administrative hearings bureau is suspended until a primary administrative hearings officer is appointed.
- (2) During the suspension, the chapter does not apply and all blight violations are municipal civil infractions handled by the 37th District Court, punishable by a fine of not less than one hundred dollars (\$100.00) but not more than one thousand dollars (\$1,000.00) and/or costs, assessments, and damages and expenses as provided by MCL 600.87(7)(3).

(Ord. No. 80-731, § 1, 8-1-15; Ord. No. 80-730, § 1, 2-14-17; Ord. No. 80-728, § 1, 3-9-21)

Sec. 2.5-5. - Rules of procedure.

- (a) Adoption and amendment.
- (1) The rules committee shall adopt rules of procedure that govern the operation of the administrative hearings bureau.
- (2) The rules of procedure shall be amended by the following procedure:
 - I. The administrative hearings officer proposes changes to the rules of procedure through a written petition to the rules committee;
 - II. The rules committee votes on each proposed change. A majority vote determines whether each proposed change is adopted.

(Ord. No. 80-731, § 1, 8-1-15)

Sec. 2.5-6. - Fine schedule.

- (a) City council shall adopt a fine schedule of civil fines and costs for blight violations.
- (b) City council shall update the fine schedule as needed.

(Ord. No. 80-731, § 1, 8-1-15)

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Chapter 2.5 - ADMINISTRATIVE HEARINGS BUREAU | Code of Ordinances | Warren, MI | Municipal Library

Code of Ordinances Propose necessary rules of procedure changes to the rules committee as provided in section 2.5-5.6(12).

■ Q 1 1

- (a) Fines, costs, and other remedies.

- (1) The administrative hearings officer shall impose on the violator:
 - I. Civil fines and costs, pursuant to the fee schedule; and
 - II. A justice system assessment, as provided for by MCL 117.4q(13).
- (2) The administrative hearings officer may also order the violator to:
 - I. Take corrective action to remedy the blight violation;
 - II. Reimburse the city for documented enforcement costs; and
 - III. Take any other appropriate legal or equitable action.
- (3) The administrative hearings officer may waive a fine for a blight violation if he/she finds that the violator:
 - I. Is the owner-occupier of the dwelling where the blight violation occurred;
 - II. Is a first-time offender of a blight ordinance; and
 - III. Has corrected the violation.
- (b) An administrative hearings officer shall not impose:
 - (1) A penalty of incarceration; or
 - (2) A civil fine in excess of ten thousand dollars (\$10,000.00).

(Ord. No. 80-731, § 1, 8-1-15)

Sec. 2.5-8. - Failure to obey administrative hearings officer's order.

- (a) Failure to pay civil fines and costs under section 2.5-7(a)(1) as a separate offense, exemptions and penalties.
- (1) Except as provided in section 2.5-8(a)(2), a violator is guilty of a separate offense if:
 - I. The administrative hearings officer imposes a civil fine and costs of one thousand dollars (\$1,000.00) or more on the violator; and
 - II. The violator fails to pay the civil fine and costs within thirty (30) days of the administrative hearings officer's responsibility determination.
- (2) A violator is exempted from section 2.5-8(a)(1) if the violator:
 - I. Became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure; and is a government-sponsored enterprise, a financial institution, a mortgage servicer, or a credit union service organization; or
 - II. Is the owner of the property; and at the time that the administrative hearings officer imposed the civil fine and costs had filed, pursuant to MCL 211.7cc(2), a valid principal

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23/13/24

Chapter 2.5 • ADMINISTRATIVE SERVICES BUREAU | Code of Ordinances | Volume 16 | Municipal Library

residence exemption affidavit for the current year certifying that the property is owned and occupied as a principal residence by the owner.

1. A violator found guilty of failing to pay civil fines and costs under section 2.5-B(X1) is subject to the following penalty:

1. For a first violation, the violator is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00).
2. For a subsequent violation, the violator is guilty of a misdemeanor punishable by incarceration for not more than ninety-three (93) days or a fine of not more than five hundred dollars (\$500.00), or both.

(b) Failure to obey the administrative hearings officer's order under section 2.5.2(a)(2) as a separate offense.

- (1) If a violator fails to obey the administrative hearings officer's order to correct the blight violation and/or pay the city for enforcement costs under Section 2.5.7(a)(2), that violator is guilty of a misdemeanor punishable by incarceration for not more than ninety (90) days or a fine of not more than five hundred dollars (\$500.00), or both.

(c) Lien, garnishment, or other collection methods authorized by law.

- (1) If the administrative hearings officer imposes a civil fine and costs on a violator, and the violator fails to pay within thirty (30) days of the administrative hearings officer's responsibility determination, the property maintenance director or his/her representative may pursue any collection method authorized by law including filing a lien on the property involved in the alleged violation, pursuant to MCL 117.47, or filing a writ of garnishment, pursuant to MCL 600.6027, but not both.

(d) Zoning and building authorizations.

- (1) As provided for in chapter 8, section 9.1 of the Code of Ordinances and appendix A, article XXIII, section 23.02(b), the city may prohibit a violator with unpaid administrative hearings bureau civil fines or costs from applying for building permits, certificates of compliance, variances, rezoning approvals, site plan approvals, planned unit development approvals, and other zoning and building authorizations.

(Ord. No. 80-731, § 1, 8-11-15)

Sec. 2.5-9. - Chapter not inconsistent.

This chapter applies to administrative adjudication proceedings conducted by the bureau to the extent that it is not inconsistent with the existing Code.

(Ord. No. 80-731, § 1, 8-11-15)

Ex 13 p 3

ARTICLE I. - IN GENERAL

Sec. 9-1. - Penalty.

- (a) Except if there is an administrative hearings officer vacancy as described in chapter 2.5, section 2.5-4(d), the violation of a provision of this chapter is a blight violation. The administrative hearings bureau shall punish a violator found responsible for a blight violation as provided in Warren Code of Ordinances, chapter 2.5, section 2.5-7.
- (b) A violator with any unpaid civil fines or costs imposed under chapter 2.5 of the Warren Code of Ordinances may be ineligible to apply for a building permit, certificate of compliance, or a variance, except if:
 - (1) The person (1) became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure and (2) is a government-sponsored enterprise, a financial institution, a mortgage servicer, or a credit union service organization, as defined by chapter 2.5, section 2.5-2; or
 - (2) The person shows that the permit, certificate, or variance will correct, in whole or in part, the blight violation that was the subject of the unpaid fines, costs, or justice system assessments.

(Ord. No. 80-527, § 8, 1-13-98; Ord. No. 80-629, § 1, 3-28-06; Ord. No. 80-650, § 1, 5-8-07; Ord. No. 80-731, § 3, 8-11-15; Ord. No. 80-750, § 2, 2-14-17)

State Law reference— MCL 125.1509c.

Secs. 9-2—9-15. - Reserved.

< Chapter 9 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. - BUILDING CODE >

Ex 14 p1

Detroit Free Press

MACOMB

'This video is sickening,' attorney says of Detroit teen punched, kicked by Warren police



Christina Hall

Detroit Free Press

Published 5:46 p.m. ET Oct. 12, 2022 | Updated 8:29 p.m. ET Oct. 12, 2022

Tyler Wade's attorney said his teenage client was repeatedly punched, kicked and stomped by Warren police officers in a vicious attack after a chase in June that began in Warren and ended in Ferndale.

And attorney James King said it's all on police body camera footage that he released Wednesday, one day after he filed a federal lawsuit on behalf of the Detroit teen. A civilian also recorded the incident.

EX 15

PACER

Public Access to Court Electronic Records

Invoice

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- * North Carolina Eastern District
- * Texas Western District
- * Texas Northern District

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Sincerely,
Airbag Safety Recall Team

Ex 17

SafeAirbags.com is affiliated with the Settlement Special Administrator appointed by the District Court for the Southern District of Florida to implement several settlement agreements entered into by BMW, Ford, Mazda, Nissan, Subaru, and Toyota and to conduct outreach on their behalf for the replacement of Takata inflators in those brands' vehicles. For this reason, to the extent you own one or more vehicles manufactured by some other brand, please visit NHTSA.gov to see if that vehicle is affected by the Takata recall.



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Police Department



William Dwyer was re-appointed Commissioner of the Warren Police Department on August 14, 2012. He previously served as the Warren Police Commissioner from April 2008 until December 2010. He also was elected as Oakland County Commissioner for the 14th District on November 2, 2010 and started his first two-year term on January 1, 2011. In December of 2010 he retired after his fourth two-year term as an Oakland County Commissioner.

Prior to his current assignment in Warren, the Commissioner served 25 years with the Farmington Hills Police Department as Police Chief. Before Farmington Hills, he served 25 years with the Detroit Police Department, where he held the position of Commander of Chief's Staff. Prior to that, he was in charge of the Narcotics Division for seven years, having risen through the ranks from the position of Patrol Officer. Commissioner Dwyer holds a Bachelor of Science degree from Mercy College and a Master's degree in Criminal Justice from Wayne State University.

Stepsons of Michigan named him the Police Executive of the Year. The Commissioner is also an active member of both the Optimist Club and the Rotary Club.

Commissioner Dwyer is a graduate of L'Anse au Loup High School in Mt. Clemens. He and his wife Dore have two grown sons.

Most recently in 2010, Commissioner Dwyer was one of the founding members of the newly created Macomb County/Federal Task Force to fight against Illegal Narcotics, otherwise known as FANCLAM.

Warren Police Department Mission Statement

To serve the community and protect the lives, rights, and property of all people in the City of Warren with integrity, equality, and justice.

Value Statement

The core values of the Warren Police Department are:

Integrity

Integrity, the adherence to moral and ethical principles and the consistency of honest and dedicated actions, is our standard. We strive to earn the trust and respect of those whom we serve and work with. We do what is right at all times because it is the right thing to do.

Professionalism

All members of the Department will conduct themselves in a manner that is consistent with professional standards for performance, both on duty and off duty. These standards include adherence to our mission

University. He is also a graduate of the

He is an active member of the International Association of Chiefs of Police and is a past president of the Michigan Association of Chiefs of Police. In addition to having served as president of the Oakland County Chiefs of Police Association and the Southeastern Michigan Chiefs of Police Association, Commissioner Dwyer has served on the Advisory Board of Directors for the Oakland County Narcotics Enforcement Team since 1997. He is the past chairman of the High-Intensity Drug Trafficking Area (HIDTA) and served as Vice Chair in September 2005. In 2006, he was appointed to the Federal Anti-Terrorism Task Force and is still presently a member. He was appointed by the Governor to serve as a member of the Governor's Cabinet Council on Crime in 1999 and serves on the Commission on Children, Youth, and Families. He is on the Farmington Hills Farmington Community Foundation and also serves as a member of the President's Criminal Justice Advisory Committee of Rochester College and a member of the executive committee of Michigan Citizens for Humane Control. He served as chairman of the Oakland County CLEMS Advisory Committee for 11 years.

In 2004, he was appointed by Governor Granholm to the Michigan Homeland Security Advisory Council. Governor Granholm appointed him to the Michigan Public Safety Communications System Advisory Board in April 2005 and re-appointed him in April 2006. He is a member of the Homeland Club of Detroit and serves as president of the Farmington Hills Narcotics Association. In 2005, he was awarded the Presidential Medal from the Michigan Association of Chiefs of Police. Commissioner Dwyer was appointed to the State Bar of Michigan Criminal Investigation Recording Task Force in 2005 and became a member of the Community Outreach Impact Committee. In 2009, Commissioner Dwyer received the Culligan Award from Wayne State University. In 2010, Cline

statement and other core values. We perform our roles ethically and with integrity as we represent the Warren Police Department, regardless of the circumstances. We hold each other and ourselves accountable to these standards.

Employees

We value all who demonstrate self-motivation, dedication, and pride in their work and performance, along with the strength to adhere to what is right in all instances and actions.

Courage

Courage is not the absence of fear, but rather its mastery. We will remain courageous in our actions. We recognize that there are two types of courage: physical and moral. Physical courage is recognizing danger to oneself or to others, but persisting in our duty regardless. Moral courage is the adherence to principle, integrity, and dedication, no matter how easy it may be to do otherwise. It is putting character ahead of expediency and putting what is right ahead of what may be popular.

Respect

Respect means that we treat each other and the communities we serve as we would like to be treated: with compassion and dignity. Within the Department, we strive to ensure all members are supported and empowered, regardless of rank or position. Outside of the Department, we strive to partner with the communities we serve through transparency, accountability, and building mutual trust. We recognize that respect, as a value, must permeate every police action we undertake.

Police Department Phone Numbers

EX 18

Warren, Michigan

Friday, August 20, 2021 - 9:18 a.m.

THE COURT: Albert Throver versus Kim and

Cheryl Branson, 20-6101-LT.

Say your name for me, sir.

MR. THROVER: That was that?

THE COURT: Say your name, please.

MR. THROVER: Oh, Albert Throver. Albert

Throver.

THE COURT: Thank you.

Say your name, please.

MS. KIM BRANSON: Kim Branson.

THE COURT: Where is the attorney?

MS. KIM BRANSON: Pardon?

THE COURT: All right. This is the date and

also scheduled for a motion to cancel the jury demand.

What do you want to tell me?

MR. THROVER: This Court wanted them to evict

the rent and, upon checking with the court, they never

evicted the rent in July. So, I wanted to convert it to

a judge eviction.

THE COURT: Okay.

Have you paid the evictions?

MS. KIM BRANSON: Up until then, yes.

THE COURT: So you failed to follow the orders

3rd District Court
Warren, Michigan

STATE OF MICHIGAN

IN THE 37th JUDICIAL DISTRICT COURT

FOR THE COUNTY OF MACOMB

ALBERT D. THROVER,

Plaintiff,

v.

KIM ELIZABETH BRANSON

vs. CHERYL BRANSON,

Defendants.

Case No: 206101LT

NOTION HEARING

BEFORE THE HONORABLE MICHAEL C. CHUPA, DISTRICT COURT JUDGE

Warren, Michigan - Friday, August 20, 2021

ALERT THROVER

Plaintiff in Pro Per:

ALBERT THROVER
1312 West 89th Street
Cleveland, Ohio 44108

Defendants in Pro Per:

KIM BRANSON
CHERYL BRANSON
7668 Hudson
Warren, Michigan 48091

RECORDED &
TRANSCRIBED BY:

Jessica R. Brown, CRR - 7230
Certified Electronic Reporter
886.574.4914

3rd District Court
Warren, Michigan

COPY

TJ 39
EX 4

EX 19

Case 2:22-cv-10918-MFL-APP ECF No. 71-1 Filed 06/01/23 Page 65 of 100

THE COURT: Say your name, please.

MR. SCOTT: Robert Scott, Director of Property Maintenance, City of Warren.

THE COURT: Okay. Why are you here?

MR. SCOTT: I'm here on behalf -- if I can intercede, your Honor, on behalf of Ms. Branson and her roommate. This is a posted vacant house that has been posted as structurally inhabitable. And due to that -- we couldn't find your order. I had -- I looked for your order and could not find -- I had your clerk look for the order also stating that they should put their account in escrow. We couldn't find it at the time, so I advised the ladies to stop paying rent because they were paying rent for a house that is inhabitable.

Though they couldn't be evicted because of the COVID situation and the current state laws, they -- they are still occupying the house because we can't find them a suitable place for them to move into, which they can afford. I've also referred them to legal -- legal assistance and they're using a city-based legal assistance trying to get them into a new -- in a new residence.

THE COURT: December 9th of '20, defendants demand jury trial, set for jury trial when able, escrow order entered today, \$510 per month must be paid by

37th District Court
Warren, Michigan

that I set; is that right? How many payments have you missed?

MS. KIM BRANSON: Right now? Two.

THE COURT: Okay. Okay. Is there anything you want to say?

MS. KIM BRANSON: We were told not to pay any rent on -- on that because there was to be no more money coming from that house to Al Throver.

THE COURT: Okay. Who told you not to pay the rent?

MS. KIM BRANSON: The City.

THE COURT: I told you to pay rent to the court, right?

MS. KIM BRANSON: Yes.

THE COURT: Okay.

Is there anything you want to say, ma'am?

MS. CHERYL BRANSON: Just what she said. We were told not to pay anything.

THE COURT: But you knew the court order was in effect and you had been following it for some period of time, right?

MS. KIM BRANSON: Yes, seven months.

THE COURT: Okay.

Good morning.

MR. SCOTT: Good morning, your Honor.

37th District Court
Warren, Michigan

Ex 19 P 2

Ex 4 P 2

1 MR. SCOTT: Because the state law will not
2 allow them to evicted out. We have been trying to find
3 them a new residence and assisting them --

4 THE COURT: I'm sorry to interrupt you, sir.
5 Why are you looking for their -- to find a residence?
6 It's their responsibility to find their own domicile.

7 MR. SCOTT: Well, I -- I'm just -- that's why I
8 referred 'em to legal assistance, so they could -- or,
9 when I say when I'm trying to help, I referred them to
10 legal assistance, your Honor.

11 THE COURT: You certainly have a right to help
12 if you want to. I'm not opposing that.

13 MR. SCOTT: Right. It's just -- yeah, my end
14 of helping them is referring to legal assistance, which
15 has been doing a pretty good job for them if I understand
16 correctly.

17 THE COURT: You just told me the property is
18 unlivable. Why would we delay the hearing in a
19 circumstance where they're residing in a property that's
20 unlivable?

21 MR. SCOTT: We -- we had -- this has been a
22 long drawn out case, your Honor. It's -- we had made an
23 arrest a few weeks ago in this. The Police Department
24 made an arrest on a warrant that was issued by this Court
25 for Mr. Throver, so we had an arrest made. He sat in the

37th District Court
Warren, Michigan

1 tenants into the court by the 12th of each month. If the
2 12th is a holiday or a weekend, payment is due the next
3 business day. First escrow payment due December 14th of
4 '20.

5 MR. SCOTT: Okay. Again, your Honor, like I
6 said I wasn't aware of that. I would never have advised
7 him to go against your order if that -- if I could have
8 confirmed that at the time. I asked several of the
9 clerks to confirm that for me and they couldn't find it
10 at the time.

11 THE COURT: They confirmed it for me because
12 they were compliant. I told them what to do and they
13 were doing it.

14 MR. SCOTT: Okay, your Honor.

15 THE COURT: And then you changed their mind.

16 Ms. Michaels, I see you there. Do you want to
17 appear as well?

18 MS. MICHAELS: Mary Michaels for the
19 intervening party, your Honor.

20 THE COURT: What do you want to tell me?

21 MS. MICHAELS: Pretty much what Mr. Scott said,
22 that this property has been posted as unsafe therefore
23 cannot be occupied.

24 THE COURT: Okay. Then why are you guys
25 allowing them to continue then?

37th District Court
Warren, Michigan

house. He was -- knowing that we were outside the house, he sat inside the house for approximately 18 hours knowing this.

MR. THROWER: I object on any of this.

THE COURT: Stop talking, sir.

MR. THROWER: Okay.

MR. SCOTT: So -- so we then arrested him and at that time we took as quick a court date as we could get to try to get this adjudicated.

THE COURT: Okay. So what's the City's position on the failure to comply with the order?

MS. MICHAELS: Your Honor, under landlord/tenant law if a residence is uninhabitable that could be taken into consideration in the payment of rent.

THE COURT: That's absolutely true, but he's requesting a hearing by the Court; they demanded a jury trial. In order to satisfy the condition for jury trial, I followed the court rule, which required an escrow. They failed to meet the escrow conditions twice. So why would we delay the proceedings further? If you're looking to expedite the process, waiting for a jury date is months or a year away. So his request to deny the jury and have a bench trial would expedite the hearing, which it sounded like you guys are saying the same thing

37th District Court
Warren, Michigan

from different directions.

MR. SCOTT: Your right, your Honor.

MS. MICHAELS: Yes, your Honor.

THE COURT: Do you want -- do you still want a jury trial?

MS. KIM BRANSON: Yes.

MS. CHERYL BRANSON: No.

THE COURT: Okay. The Court speaks through its orders. Whether you can find it or not the defendants were painfully aware of the order and they were compliant for six months -- seven months perhaps.

I don't know who did what to whom, I don't know if the property is habitable or not. I don't know if this landlord is a slumlord or not. That's for -- a matter for a different day. What I know is I speak through my orders. I meant what I said and I said what I meant. If you want a jury trial, you have to escrow the funds. That doesn't mean he's going to get a nickel at the end of the day. However, the escrow requirement is statutory. It's established by the Supreme Court through our court rules. My enforcement of the escrow order was well within authority and reason and an appropriate use of judicial resources. We have this purpose to guarantee that right. And, given the fact that in December of last year we had no idea when jury trials were going to kick

37th District Court
Warren, Michigan

EX 19 p 4

Case 2:22-cv-10918-MFL-APP ECF No. 71-2 Filed 06/01/23 Page 68 of 100

THE COURT: Nine a.m., sir.

MR. THROWER: Nine a.m.

MR. SCOTT: Thank you, your Honor.

THE COURT: Have a good day.

(At 9:29 a.m., proceedings concluded)

STATE OF MICHIGAN)

COUNTY OF MACOMB)

I, Jessica R. Brown, certify that this transcript, consisting of 12 pages, is a complete, true, and correct transcript to the best of my ability, of the proceedings and testimony taken in this case on Friday, August 20, 2021.

September 14, 2021

Jessica R. Brown
JESSICA R. BROWN, CER-7230
Certified Electronic Reporter
8300 Common Road
Warren, Michigan 48093
586.574.4914

off again, it seemed prudent to require the occupiers of the property to escrow the funds with the Court. Whether those funds are applied to the rent back -- back rent, if any, or returned to the tenants if rent is not -- is abated, that's a battle for a different day. But two months late is two months late and, quite candidly, it seems like I'm doing you a favor.

Motion to cancel jury trial is granted. Do you have your scheduler handy, Mr. Thrower?

MR. THROWER: Yes.

THE COURT: Ladies, can you appear next Friday?

Can you come next Friday for the hearing?

MS. KIM BRANSON: Yes.

THE COURT: Okay.

Mr. Thrower, are you available on Friday?

MR. THROWER: Yes.

THE COURT: Hearing on the action for eviction will be conducted August 27th at nine o'clock in person at the courthouse here. Make sure you have all of your witnesses lined up; whoever is going to testify has to be present and available to be questioned. If somebody is not here, then their testimony is -- doesn't exist so make sure that both of you line up the witnesses. We'll see you next Friday.

MR. THROWER: Okay. That's at 9:45?

10
37th District Court
Warren, Michigan

Ex 19 p 5

Ex 41
5



Together We Thrive

Cuyahoga County Executive

— Summer 2020

Dear Property Owner,

← The COVID 19 Crisis is the worst crisis we have lived through in most of our lifetimes. It has impacted people's health, their jobs, and businesses throughout our County. It is part of the duty of County Government to collect property taxes and to distribute those taxes to your municipality, school district and state. We have always offered help to residents who are struggling with their property tax payment. But now, more than ever, I want to be sure you know that we are here to help you during this time of extreme hardship.

If you are unable to pay the Second Half 2019 tax balance (due by Thursday August 13, 2020) or if you have had difficulties paying your property taxes in the past and you have delinquent taxes, the County has expanded its delinquent tax payment plan options. These options could assist you in addressing the matter. We are attempting to reach out to you in a genuine effort to discuss your present situation and try to help you through these unprecedented times. The County has instituted the following measure until further notice:

- For taxpayers who can't meet the terms of their delinquent contract, the Treasurer may offer you a new contract.

We hope you will take advantage of this opportunity to resolve your tax situation. For further information on our payment plans or to review your situation, please call us Monday through Friday 8:30 a.m. through 4:30 p.m. at (216) 443-7420 for general tax issues or (216) 443-7698 if you have long-term delinquencies. We look forward to hearing from you.

I hope that you and those you love are safe and well.

Sincerely,

County Executive Armond Budish

Note: If you have recently paid the taxes in full, made arrangements with our office to enter into a payment plan or filed for bankruptcy, please disregard this notice.

EX 22

www.wxyz.com



9 weather alerts 2 closing del

Warren Mayor Jim Fouts is instructing police to increase their enforcement of social distancing guidelines. According to a letter from Fouts, he will be having police conduct patrols of retail areas and issue warnings or citations for repeated failures to comply with social distancing.

Posted at 1:25 PM, May 06, 2020 and last updated 10:47 PM, May 06, 2020

WARREN, Mich. (WXYZ) — Warren Mayor Jim Fouts is instructing police to increase their enforcement of social distancing guidelines.

According to a letter from Fouts, he will be having police conduct patrols of retail areas and issue warnings or citations for repeated failures to comply with social distancing.

Recent Stories from wxyz.com

AD



See map here

Data from The Center for Systems Science and Engineering at Johns Hopkins University.

Coronavirus Vaccine Resources & Information

- Detroit Michigan COVID-19 vaccine hub
- City of Detroit COVID-19 vaccine hub
- Lapeer County COVID-19 vaccine hub
- Lenawee County COVID-19 vaccine hub
- Livingston County COVID-19 vaccine hub
- Macomb County COVID-19 vaccine hub
- Monroe County COVID-19 vaccine hub
- Oakland County COVID-19 vaccine hub
- Sanilac County COVID-19 vaccine hub
- St. Clair County COVID-19 vaccine hub
- Washtenaw County COVID-19 vaccine hub
- Wayne County COVID-19 vaccine hub

Ex 24 p 1



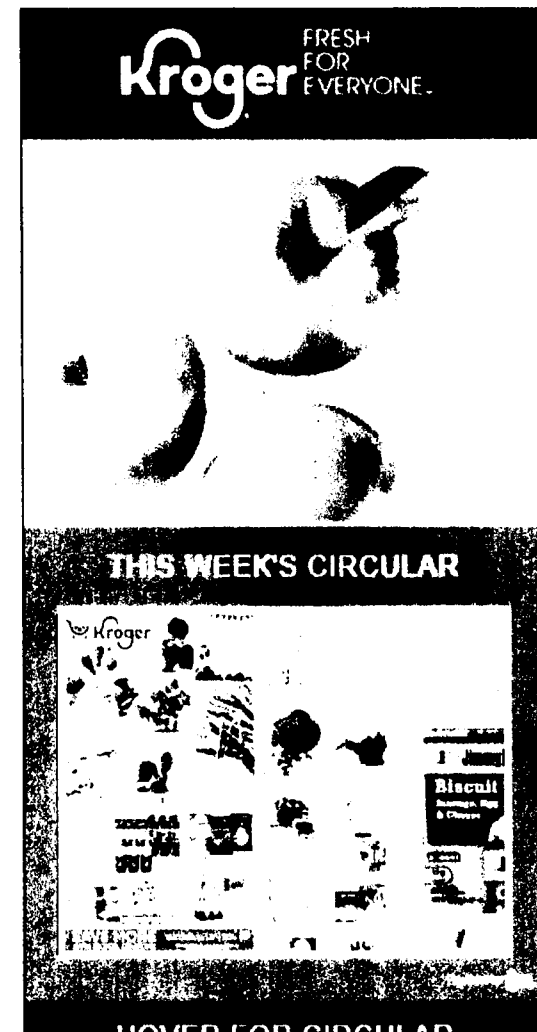
"At checkout lanes floors should be clearly marked 6 feet apart and you should be limiting the number of people in your business at a given time. In addition, you should encourage customers to go down aisles one way so they are not bumping into each other," Fouts wrote in the letter.

"I understand that this may pose a hardship on some businesses, but such a hardship is insignificant when compared to the threat posed to our community, particularly our senior citizens and those with preexisting conditions, by COVID-19. I think if you follow these guidelines you will have more consumer's wanting to patronize your business when you put employee and customer safety first," he said.

Additional Coronavirus information and resources:

Read our daily Coronavirus Live Blog for the latest updates and news on coronavirus.

Click here for a page with resources including a COVID-19 overview from the CDC, details on cases in Michigan, a timeline of Governor Gretchen Whitmer's orders since the outbreak, coronavirus' impact on Southeast Michigan, and links to more information from the Michigan Department of Health and Human Services, the CDC and the WHO



Ex 24 p2



FOR IMMEDIATE RELEASE
February 26, 2020

Contact: Mayor Jim Fouts
Telephone: (586) 574-4520

Warren Mayor Jim Fouts Prepares Warren For Influenza String A And Coronavirus (COVID-19)

Warren, MI – Over these past weeks we have all watched as news of the spread of Coronavirus in China, other parts of Asia and across the globe has been thrust onto our TV screens. As Mayor, it is my goal to educate, detect, and prevent any potential threat to our community here in Warren.

These steps have been taken to protect the citizens of Warren during a potential threat to their health:

- I have released a Public Service Announcement (PSA), and will continue to educate the public on the symptoms and prevention of COVID-19.
- We have implemented a public health management decision making training for all Police and Fire personnel on COVID-19.
- Our dispatchers have been educated on COVID-19 risk assessment so that they can alert and assist our first responders of potential risk on any call on which they are sent.
- I have issued all municipal buildings to display educational materials from the Center for Disease Control and Prevention (CDC), to help educate and identify symptoms of the COVID-19 virus.
- City Hall will feature hand sanitizing stations at each entrance and at each Department counter, to reduce the spread of all viruses.

We will continue to work closely with all federal, state, county and other municipal partners to mitigate potential risk and immediately address any local signs of infection. Our residents can feel at ease knowing that their health and well-being is now and always will be my number-one priority. My administration, beginning with Police Commissioner Bill Dwyer, Fire Commissioner Skip McAdams, and all first responders are diligently working to ensure your safety. Finally, my goal continues to be to serve and protect the citizens and visitors in Warren.

I WANT EVERYONE TO BE PREPARED NOT SCARED!

- I will be setting up meetings at local hospitals (Beaumont and St. John Ascension) to make sure they have protocol in place.
- We will be meeting with local schools to educate them on symptoms to look for with students and staff.
- Masks and gloves will be available for residents visiting city hall, and employees.

This virus also affects the economic stability of not only China but also the U.S. and the world. I think our companies may have to rethink investment in China.

The great economic boom that we have had may now have a downturn into a nasty recession because of the inability of the many plants in China to function because of this disease.

This could even affect the U.S. Presidential election in November. It currently affects the production of GM, Ford, and many other U.S. companies.

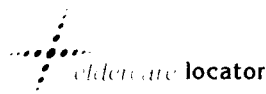
First, Warren residents should take comfort in knowing, health officials have informed us that the risk of Coronavirus to our community at this time remains low. Secondly, in a series of pro-active steps I have authorized City Administrators to implement a number of preventative measures.

For further information, please visit the Center for Disease Control and Prevention website at www.cdc.gov and the Michigan Department of Health and Human Services at www.michigan.gov/mdhhs.

There is still more to be learned

COVID-19 is an emerging disease and there is more to learn about its transmissibility, severity, and other features and what will happen in the United States. New information will further inform the risk assessment.

Ex 23



Staying Safe at Home During the Coronavirus Crisis

To avoid being exposed to the coronavirus, it's important for everyone to stay at home. This is particularly true for older adults and people with some chronic conditions, who have a higher risk for complications from COVID-19—the illness caused by the coronavirus. The Eldercare Locator and the Alliance for Aging Research have teamed up to bring you the facts—so you can keep yourself and loved ones safe and healthy during this public health emergency.

Why Older Adults and People with Chronic Conditions are at Higher Risk

Our immune systems weaken as we age, making it harder to fight off infectious diseases. Cancer treatment, immune deficiencies, smoking and prolonged use of medications that weaken the immune system can also make it harder for the body to fight off the virus. People with certain chronic health conditions—including heart disease, lung diseases, obesity, diabetes or liver disease—also have a harder time fighting the virus.

Protecting Yourself

There is currently no vaccine available to prevent COVID-19 and no medication to treat it, so the best way to prevent illness is to avoid being exposed to the virus. COVID-19 is thought to spread primarily through respiratory droplets from coughs or sneezes. It may also be transmitted after you have

touched a surface or object with the virus on it and then touch your mouth, nose or eyes. The Centers for Disease Control and Prevention (CDC) advises older adults to:

- Stay home
- If you do need to go out in public, stay at least 6 feet apart from others and wear a simple cloth face covering to help prevent the spread of the disease to others
- Avoid high-touch surfaces like elevator buttons, door handles and counters. If you must touch these surfaces, use a tissue or disposable wipe to touch them
- Don't touch your face, nose, eyes or mouth
- Wash your hands with soap and water often; hand sanitizers are ok to use if they contain at least 60% alcohol

Symptoms of COVID-19

Not everyone with COVID-19 will experience symptoms, or the symptoms may be mild enough that you don't realize you are infected, even though you are contagious. Symptoms of COVID-19 typically appear 2 to 14 days after exposure and may include:

- Fever
- Cough (usually a dry or unproductive cough)
- Difficulty breathing or shortness of breath
- Fatigue
- Loss of smell and taste
- Body aches
- Nausea, diarrhea, stomach aches or vomiting

What to Do if You Get Sick

Call your health care provider if you think you may have been exposed to someone with COVID-19 and begin to develop symptoms. They can advise you on whether to get tested for the virus. **In most cases, it's best to stay at home to avoid infecting others—or becoming infected yourself.**

Most people who become infected with COVID-19 can recover at home. For some people, however, the virus can be serious or fatal. Call 911 and seek immediate medical care if you experience:

- Trouble breathing
- Persistent pain or pressure in the chest
- Confusion not experienced previously
- Bluish lips or face
- Any other severe symptoms

Protecting Yourself from Scams

Unfortunately, there are scammers trying to take advantage of this crisis by pretending to sell you tests or medicines. According to the Consumer Financial Protection Bureau (www.consumerfinance.gov), the best defense is to say NO to anyone you don't know who contacts you (by phone, in person,

by text message or email) and asks for your Social Security Number, bank account number, credit card information, Medicare ID number, driver's license number or any other personally identifiable information.

Need Support to Stay Safe at Home?

Every community has resources to help older adults age well at home—for example, programs that provide home-delivered meals, transportation to medical appointments, in-home services, resources for caregivers and other supports that can help older adults live independently and safely at home. While some activities are paused during this crisis, especially those that bring people together in group settings, local Area Agencies on Aging are adapting programs to meet the increasing need for social engagement.

Older adults and caregivers can always contact their local Area Agency on Aging to find out what help may be available locally. To learn what's available in your area, contact the Eldercare Locator at (800) 677-1116 or eldercare.acl.gov. You can also get answers to commonly asked questions about the pandemic at www.coronavirus.gov.

In your community, contact:

Generations
Area 13 Agency On Aging & Disability

1-800-742-9002



This fact sheet was developed by the Alliance for Aging Research and the Eldercare Locator, which is administered by the National Association of Area Agencies on Aging (N4A) and funded by the U.S. Administration for Community Living. April 2020 / Updated versions may be found at eldercare.acl.gov or www.agingresearch.org/COVID19safety.

This project was supported, in part, by grant number 90EEIR001, from the U.S. Administration for Community Living, Department of Health and Human Services, Washington, DC 20201. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration for Community Living policy.

1-2
P
EX 25

2023

COVID-19 sweeps through Warren PD, closes City Hall



Christina Hall
Detroit Free Press

Published: 11:58 a.m. EDT June 1, 2020

View Comments

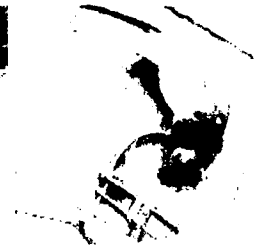


Just under three dozen Warren city employees, including 16 police officers, have tested positive for coronavirus or have symptoms that are requiring them to quarantine, city officials said Monday.

Several were in the police department's special response team, which went to a barricaded gunman situation two weeks ago. Police Commissioner Bill Dwyer said. He said those officers were "closely confined in a vehicle" and they wore masks "as much as they could," adding that at some point those officers can't do their job with a mask on.

Other affected officers, Dwyer said, either are on patrol or in training. The officers could have come into contact with the virus as part of their regular duties and with someone who had the virus or from other officers.

PHOTO COURTESY OF WARREN PD



Eggstraordinary

More Stories

the Memorial



Tournament



ACTUAL OUT OF POCKET EXPENSES OF PLAINTIFF NELSON**1st 5/1/20 Towing Expenses**

Turnpike fee 5/2/20 to travel to Warren Michigan	2X-round trip 6.50 each	13.00
--------------------------------------------------	-------------------------	-------

Gas for trip round trip 197 miles Cleveland-Warren		100.00
----------------------------------------------------	--	--------

Tow fees 4 cars 5/1/20 \$350 x 4 =		1400.00
------------------------------------	--	---------

(D)s' took Grill of plaintiff (P)		50.00
-----------------------------------	--	-------

Disinfectant to clean cars-clean markings off windshields		10.00
-----------------------------------------------------------	--	-------

Gas to drive 4 cars back to 7568 Hudson Ave – then driven to CLEVELAND OH 250.00
 Because of (D) harassment & tow yard employee said (D) ROBERT SCOTT would tow
 Cars again if taken back to 7568 Hudson Ave Warren, MI See Affidavit THROWER
 Ex K

4X Trips Ohio turnpike for 4 cars	round trip = 8x x 6.50	52.00
-----------------------------------	------------------------	-------

4x Cars to Cleveland Ohio 6.50 OHIO Turnpike Fee		26.00
--------------------------------------------------	--	-------

MASK to travel with due to COVID 19-disinfectant		20.00
--------------------------------------------------	--	-------

Interest on Expenses**2nd 7/7/21 Towing expenses**

Tow fee 2008 HONDA CIVIC		315
--------------------------	--	-----

WEBER GRILL -taken @ same time as admitted in 37 th District Court by (D) ROBERT SCOTT -grill was taken 2 nd time		75.00
--------------------------------------------------------------------------------------------------------------------------------------------	--	-------

MOWER-see receipt for new mower-it was (P) job to mow grass

with her mower- (P) had to purchase new mower	RECEIPT MENARDS	169.00
-----------------------------------------------	-----------------	--------

Gas to Pick up Mower -MENARDS 21 mile		10.00
---------------------------------------	--	-------

Gas in Mower		1.00
--------------	--	------

Damage to Paint towing 2008 HONDA from rear See Ex I Pic		800.00
----------------------------------------------------------	--	--------

Gas to Drive 2008 HONDA to Cleveland OH-as (P) was afraid would be towed again		20.00
--------------------------------------------------------------------------------	--	-------

Ohio Turnpike Fee take 2008 Honda to Cleveland OH	7/21	6.50
---------------------------------------------------	------	------

Transcript of Eviction Hearing 8/22 37 th District Court Case 206101LT		100.00
-----------------------------------------------------------------------------------	--	--------

Exh ²⁷ 19 pg 1

27

GENERAL EXPENSES FILING ACTION

Cost of Filing lawsuit	402.00
Round trip Gas to 231 Lafayette Blvd Detroit MI Courthouse 2X	20.00
Parking @ Courthouse 2X \$10 each time	30.00
Cost of Process Server	150.00
Postage	20.00
Paper	15.00
Ink for printer	20.00
PACER QUARTERLY ACCOUNT Ex	129.80
Paper- 4 reams 500 sheets CVS @ \$7.79 each + tax	35.00
Interest on Expenses	
Postage Mailing Copies 3 defendants Ex	20.00
Postage Mailing Briefs	20.00
Postage Mailing Briefs	20.00

27
Exh 49 pg 2

Ex 30 p2

- I made the decision to not enforcing gown cutting lines in order to allow for safe and clean neighborhoods free of rodents, etc.
- Suspended Water Shut-Offs
- WWTTP is functioning
- Established Food Assistance Routes
 - Partnered with local food pantries
- Partnership to bring more food to Warren residents through Ferguson Harvest, Ghazal's and Salvation Army

EXHIBIT A

FOR IMMEDIATE RELEASE
February 26, 2020

Contact: Mayor Jim Foote
Telephone: (586) 574-4520

Warren Mayor Jim Foote
Prepares Warren For Influenza Spring A
And Coronavirus (COVID-19)

Warren, MI -- Over these past weeks we have all watched as news of the spread of Coronavirus in China, other parts of Asia and across the globe has been thrust onto our TV screens. As Mayor, it is my goal to educate, detect, and prevent any potential threat to our community here in Warren.

There steps have been taken to protect the citizens of Warren during a potential threat in their vicinity:

- I have released a Public Service Announcement (PSA), and will continue to educate the public on the symptoms and prevention of COVID-19.
- We have implemented a public health management decision making training for all Police and Fire personnel on COVID-19.
- Our dispatchers have been educated on COVID-19 risk assessment so that they can alert and assist our first responders of potential risk on any call on which they are sent.
- I have loaned all municipal buildings to display educational materials from the Center for Disease Control and Prevention (CDC), to help educate and identify symptoms of the COVID-19 virus.
- City Hall will feature hand sanitizing stations at each entrance and at each Department annex, to reduce the spread of all viruses.
- I will be setting up meetings at local hospitals (DeWitt and St. John's Association) to make sure they have patients in place.
- We will be meeting with local schools to educate them on symptoms to look for with students and staff.
- Masks and gloves will be available for residents visiting city hall, and employees.

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This virus also affects the economic stability of not only China but also the U.S. and the world. I think our companies may have to rethink investment in China.

The great economic boom that we have had may now have a downturn into a steady recession because of the inability of the many plants in China to function because of this disease.

This could even affect the U.S. Presidential election in November. It currently affects the production of GM, Ford, and many other U.S. companies.

First, Warren residents should take comfort in knowing, health officials have informed us that the risk of Coronavirus to our community at this time remains low. Secondly, in a sense of proactive steps I have authorized City Administration to implement a number of preventive measures.

For further information, please visit the Center for Disease Control and Prevention website at www.cdc.gov and the Michigan Department of Health and Human Services at www.michigan.gov/dhhs

There is still more to be learned

COVID-19 is an emerging disease and there is more to learn about its transmissibility, severity, and other features and what will happen in the United States. More information will further inform the risk assessment.

We will continue to work closely with all federal, state, county and other municipal partners to mitigate potential risk and immediately address any local signs of infection. Our residents can feel at ease knowing that their health and well-being is now and always will be my number-one priority. My administration, beginning with Police Commissioner Bill Dwyer, Fire Commissioner Ship McAdams, and all first responders are diligently working to ensure your safety.

Finally, my goal continues to be to serve and protect the citizens and visitors in Warren.

I WANT EVERYONE TO BE PREPARED NOT SCARED

EXHIBIT B

March 12, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - WARREN MAYOR JIM FOOTE TO ANNOUNCE ACTIONS WARREN WILL BE TAKING IN REGARDS TO COVID-19

Coronavirus (COVID-19) actions will be announced later today to serve and protect all people in Warren.

- 1) I will be meeting with major department heads at Noon today.
 - 2) I will also be meeting with members of the various churches in Warren later today after the staff meeting.
 - 3) I will also be contacting leaders of the various school districts in Warren.
 - 4) I will also contact some major state leaders.
- I did receive a call from the Governor yesterday.
- After all of the above I will then announce additional actions that Warren will be taking to protect people against this virus. I am also requesting that all political leaders in Warren put aside their differences to be united to serve and protect our citizens. All hands on deck for this pandemic and no time for political games or partisanship!

Can be reached at Office: 586-574-4520, Mobile: 586-481-4545, Home: 586-573-4055.

Seccrecy.

Mayor James R. Foote
City of Warren
One City Square Suite 215
Warren, MI 48093-0720
(586) 574-4520
mfoote@cityofwarren.org
www.cityofwarren.org

EXHIBIT C

March 12, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - COVID-19 ACTION BY MAYOR FOOTE

Below is a list of actions I have immediately issued to protect Warren citizens:

- 1) Maintenance on Water shutoff.
- 2) Policy Closure of Warren Community Center, Fitzgerald Recreation Center, and Owen Jax Center thru the end of March. Transportation for seniors and those with special needs will remain active. Meals on Wheels at Owen Jax will also tentatively remain active. Civic Theatre Productions on hold.
- 3) Fire and Police have protocol for assessing potential patients with coronavirus.
- 4) All non-essential persons prohibited from senior housing facilities at Hillwell and Joseph Coach. All gatherings for various activities such as St. Patrick's Day, Wagon, Bachelors, and other such events cancelled.
- 5) Human Resources will be issuing guidelines to all employees regarding proper steps to take to limit exposure.
- 6) Building Maintenance will have stepped up efforts to sanitize all publicly utilized areas, including restrooms, elevators, door handles and counter tops. This includes repeated cleaning throughout the day.
- 7) All children's toys have been removed from Libraries and additional efforts have been issued involving cleaning bleachers and keyboards, and persons will be sanitizing their own library cards.
- 8) City Inspectors also have protocol in place to assess the homes/business before they enter.

I have met with several religious leaders and school officials and both have taken proper precautionary efforts and will cooperate and collaborate with the city to protect their parishioners. I will discuss more of this later.

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

Sincerely,

Mayor James R. Foote
City of Warren
One City Square-Suite 215
Warren, MI 48093-6726
586-574-4520
mayor@cityofwarren.org
www.cityofwarren.org

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EXHIBIT D

March 13, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - UPDATE FROM WARREN MAYOR JIM FOOTE REGARDING WARREN CLOSURE/ACTIONS PERTAINING TO CORONAVIRUS (COVID-19)

ATTENTION: I have ordered the following Warren closures due to the coronavirus epidemic:

- 1) All Warren Public Libraries will be closed effective this Monday thru at least the end of the month.
- 2) Warren City Hall will be closed to the public effective this Monday thru at least the end of the month.
- 3) ALL city personnel will still be reporting to work and we will take emails and phone calls as well.
- 4) AARP tax service will also be closed until further notice.

Note: I have received reports that there maybe suspected cases of the virus in Warren. I await further information including additional testing. This is a FLUID situation and subject to change. GMI has also closed down the Tech Center except for essential staff. The GMI Tech Center is directly across from Warren City Hall. The Governor is also recommending that all houses of worship should be closed if over 250 people are gathering. I have received calls and suggested to Pastors that they too consider closure in order to make it safe for their parishioners.

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

Mayor James R. Foote
City of Warren
One City Square-Suite 215
Warren, MI 48093-6726
586-574-4520
mayor@cityofwarren.org
www.cityofwarren.org

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EXHIBIT E

March 19, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - WARREN MAYOR JIM FOOTE DECLARES A STATE OF EMERGENCY

As the chief executive (Mayor) of Warren, I have officially declared a State of Emergency for the City of Warren effective Monday March 23, 2020. This will do the following:

- 1) Employees will be able to work from their homes. This allows a safe distancing between city employees to ensure their safety by having minimum contact with other employees. This will help to deter the spread of the coronavirus.
- 2) This will allow me to designate our three community centers* as health auxiliary facilities. This will assist first responders and the medical community when the need arises.
- 3) Essential services will remain in operation during this crisis.
- 4) I will continue working at Warren City Hall, although many employees will be working from home through telecommunication.

*Warren Community Center, Owen Jax Center and Fitzgerald Recreation.

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

Mayor James R. Foote
City of Warren
One City Square-Suite 215
Warren, MI 48093-6726
586-574-4520
mayor@cityofwarren.org
www.cityofwarren.org

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EXHIBIT F

March 25, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - WARREN MAYOR JIM FOOTE ESTABLISHES WARREN EMERGENCY FOOD HOTLINE DURING COVID-19 CRISIS

During this time of great crisis we need to focus on two words: Faith and Facts. I have an EMERGENCY HOTLINE 586-574-4526 for senior Warren residents as well as those with pre-existing conditions who are in need of food. Please for those only who are in great need! This will be coordinated with local food pantries and volunteers from Warren. Those wishing to help out can also call the HOTLINE number 586-574-4526. Indicate that you are able to assist and leave your phone number. THANK YOU!

Can be reached at Office 586-574-4522, Mobile 586-481-0545, Home 586-573-8058.

Sincerely,

Mayor James R. Foote
City of Warren
One City Square-Suite 215
Warren, MI 48093-6726
586-574-4520
mayor@cityofwarren.org
www.cityofwarren.org

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Ex 30 p4

EXHIBIT 6

April 5, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN -
Mayor Puts Average Population Harvest At Warren City Hall Every Monday**

Population Harvest will be at Warren City Hall from 9 AM until 1 PM every Monday for the next six weeks to provide free food packages for unemployed early Warren residents. They will have up to 720 packages. No contact as they will get the food packages in the clean work of your car. We have Warren volunteers to help out every Monday. Go to the north parking lot for the food distribution

Office 506-574-4528, Cell 506-481-8545, Home 506-573-4854.

Sincerely,

Mayor James R. Pons
City of Warren
One City Square Suite 215
Warren, MI 48093-6736
506-574-4528
mayor@cityofwarren.org
www.cityofwarren.org

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EXHIBIT 8

April 5, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN -
FROM MAYOR PONS ON COVID-19 CONCERNS AND TESTINGS**

PLEASE BE SAFE by staying home this week with safe distancing. The city will be open and can last 3-4 days on services. I have requested some clarifications from the Governor's office regarding the state's concerns and questions.

LANDSCAPING Service has apparently and unfortunately it is not an option. The position is that in Warren if you are already using a service for lawn cutting or landscaping more than that, the city will not be having them. Anything else is a violation of the state statute. I do respectfully disagree and have been serving the community service for the system and those with special needs.

UNEMPLOYMENT checks - They are currently overwhelmed with calls and suggested that you log on and do your request over the internet rather than by phone. It will take you about 20 minutes to complete and then your check will be in the mail.

FASTEST WAY TO FILE ONLINE is if your last name begins with A-L. File online on Wednesday or Friday, M-Z File Sat, Sun or Thurs. Anyone unable to do that must file on Saturday.

Govt has taken charge of getting needed supplies for Michigan hospitals and Michigan companies to supply what is only supplied by China. Thank you Governor for this.

ALSO POSTMASTER ANSWERS:
All spoke with the Warren Postmaster and he indicated that mail may be delayed a day or two because of common use Illinois and 14 day isolation. The main supplier for all Post Offices is Topoka, Kansas. When they have a problem it affects everyone.

5) The Postmaster has informed me that the mail is safe and that there is no known record of anyone getting the virus from their mail.

HOSPITALS:
All spoke with some officials at various hospitals in the area and they indicate that they will be in need of PPE (personal protective equipment) and that includes N95 masks, gowns, gloves, fluids, eye protectors, and other equipment. **NOTE:** I spoke with a nurse at Warren Area Hospital on 12/9/2020 and she said they are in great need for N95 masks, gowns, and gloves.

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PUT OUT A REQUEST FOR PPE FOR THAT HOSPITAL. "Help is on the way from Michigan supplies."

"Don't go to the hospital unless you are very sick, as our hospitals are overwhelmed with coronavirus cases. It's somewhat dangerous to go to a hospital at this time. Do work on supporting our medical personnel with any request including masks, hand sanitizers, a local restaurant, and support for their families and work that they do. I have arranged for a place in Warren to supply our hospital people in Warren with lunch."

Please support **PRESIDENT TRUMP** on his strong recommendation that we all follow guidelines indicating that you wear a mask when outside your home. And stay home for the next 14 weeks. We must follow the suggestions of our President, the CDC, and our Governor."

Thank You!

"On a conference call with the White House today President Trump informed us of the various equipment being received. Such as 100,000 ventilators are on their way. He stated that the government is working diligently to make sure all hospitals are adequately supplied."

Office 506-574-4528, Cell 506-481-8545, Home 506-573-4854.

Sincerely,

Mayor James R. Pons
City of Warren
One City Square Suite 215
Warren, MI 48093-6736
506-574-4528
mayor@cityofwarren.org
www.cityofwarren.org

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EXHIBIT 1

April 18, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - UPDATE
FROM MAYOR PONS ON WARREN SANITATION EFFORTS-LAWN MOWING:**

Great news! employees at Sanitation & DPW make Warren the best in the Metro area. We are the only city in this area that is still picking up everything including curbs. All other surrounding cities are NOT picking up curbs. What's next for these cities? Recycling? Garbage? These surrounding cities also have private sanitation services and we do not. In Warren we invested **ONE MILLION DOLLARS** on new curbside mechanical sanitation trucks and garbage cans. These efforts are social distancing and are safer for the workers than they don't have to touch the trash. So while trash pick up in other cities is lagging, Warren is completing the job.

My priority is always to serve and protect our citizens and that's why I also will NOT risk people for lawn cutting and edging. That's an essential service and without that service we would have tall weeds, rats, mice, and mosquitoes. Our neighborhoods would become blighted and might begin blight. Warren has one of the largest populations of senior citizens and they depend upon a lawn service to do many people with various special needs due to injury and illness. I salute and commend Governor Whitmer's effort to keep us safe but prohibiting grass cutting is one that I most respectfully disagree with.

However, I urge Warren residents to try to get by without lawn cutting until it is absolutely necessary. At least for the next few weeks. The Governor's office responded to my lawn cutting question by saying: "We, EXCEPT IF THE SERVICE IS NECESSARY TO MAINTAIN AND IMPROVE THE SAFETY, SANITATION, AND ESSENTIAL OPERATIONS OF A RESIDENCE." My interpretation of this quote is that you have cutting in an essential service? I do strongly support the Governor's effort to keep us safe by social distancing. "Only essential sanitation city in the metro area with the exception of Green Pointe."

"That's why we will not be scheduling lawn services for grass cutting and edging. However, the lawn care team will not defect for other services."

Office . Cell . Home

Sincerely,

Mayor James R. Pons
City of Warren
One City Square Suite 215
Warren, MI 48093-6736
506-574-4528
mayor@cityofwarren.org
www.cityofwarren.org

Ex 30 p 5

EXHIBIT 3



April 20, 2020

Dear Residents,

This letter is to educate and update Staffed/Un Staffed residents about the unprecedented challenge of coronavirus (COVID-19). We recognize this is an upsetting time and has impacted all our lives. We value all our residents and will follow guidelines support from our leaders to help you best members of our community during this pandemic.

The Centers for Disease Control and Prevention (CDC) states that the best way to avoid this health issue is through prevention.

- Stay home if you are sick & avoid contact with people who are sick.
- If you must leave your apartment for essential needs, please practice social distancing by staying 6 feet apart from others.
- Cover your mouth and nose with a tissue when cough or sneeze or use the inside of your elbow.
- Wash your hands frequently with soap & water for 20 seconds if available, use hand sanitizer that contains at least 60% alcohol.
- Avoid touching your eyes, nose, and mouth with unclean hands.
- After a shift from care to public if a shift is available you can wear a mask, business card or you can make your own (you could spread the virus even if you do not feel sick).
- Clean and disinfect frequently touched surfaces.

When we expect that you to follow the CDC guidelines, or listed above and urge you to take these extra safety measures to help prevent the spread of the virus.

- Stay in your apartment if possible and avoid contact with others.
- Avoid any gatherings in your unit or any common areas.
- Do not have visitors unless essential for food or medicine.

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- Do not engage outside to work.

In addition to the above personal guidelines, we continue to implement appropriate measures, including frequent cleaning, sanitizing of the corridors and all common areas throughout the community to minimize the spread of any virus.

If you have any symptoms related to the virus or feel sick with a fever, cough or difficulty breathing please isolate yourself and contact your health care provider. Stay positive as possible outside testing and you must contact your doctor for a prescription to do so. You can also call the COVID-19 helpline for a health screening at 800-458-5231.

We know many residents have questions and concerns due to the COVID-19 response while their community building. While getting these questions any uncertainties disclosure of an individual's health information, we are working with legal counsel to provide you with information and updates as appropriate with great understanding and respect, we continue to make the safety, well-being, privacy, and dignity of our residents a top priority.

Most business offices are closed, but if you have the questions you can contact the HR on the web at HR@WAFERIN or by telephone at 800-520-0000, 7 am to 7 pm. Additionally, if you need help with food deliveries, please contact the office and additional resources will be provided.

If you have questions or concerns or would like to share information with management, contact the office of Staffed/Un Staffed at 800-780-0200.

With sincerest appreciation,

Management

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April 20, 2020



Dear Residents,

The Emergency Management Act gives the governor broad power to cope with danger to public health, safety, or emergency. The governor implements these powers through executive orders ("EOs"), which have the force and effect of law.

As you know, on March 20, Governor Whitmer declared a state of emergency and on April 1, declared a state of emergency and order of closure.

On April 9, the signed EO 2020-02 to suspend all social activities until the end of April. This EO has the force and effect of law and order.

1. All individuals must stay at home.
2. All gatherings of people and part of a single household is prohibited.
3. All people who leave home must practice the social distancing measures recommended by the Centers for Disease Control and Prevention ("CDC"). See below.
4. No person shall operate a business that requires visitors to leave their homes unless those visitors are necessary to receive or provide health or medical services, health services ("critical infrastructure workers").

There are limited exceptions to the stay at home rule:

1. To engage in outdoor physical activity such as walking, hiking, running, cycling, jogging, swimming, or other similar physical activity, as well as any comparable activity for those with limited mobility.
2. To perform a job or essential business or service.
3. To pick up medication or medical supplies or medical care.
4. To perform groceries, take care of food, gasoline, medical medical supplies, and products necessary to maintain the safety, sanitation, and basic operations of their homes.

Governor Whitmer stated:

"We should start aggressive and persistent... We are all fighting, and we are all working together to keep our state and our nation, we are all just as aggressive and persistent."

EO 2020-02.

As residents, you must do your part to help fight this virus. Your Lease requires you to comply with all laws and rules from counties that declare, business, schools, or religious activities. See EO 9 and 23 of your Lease.

6/11/20
5.1.20

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April 20, 2020

EO 2020-02 is the law, designed to:

"suppress the spread of COVID-19, to protect the state's health care system from being overwhelmed, to allow time for the production of critical care, medicine, and personal protective equipment, and to avoid further deaths...."

EO 2020-02. All legal violations of this law and your Lease will be taken very seriously and investigated to the fullest extent possible.

We continue to implement appropriate measures to protect your health and safety and expect all residents to follow the CDC recommendations below.

- Stay informed. The best way to prevent illness is to avoid being exposed to the virus. Visit www.cdc.gov.
- Avoid close contact with sick people, stay at home as much as possible.
- Put at least 6 feet of distance between yourself and other people.
- Wash your hands often with soap and water for at least 20 seconds, or if this not available, use a hand sanitizer that contains at least 60% alcohol.
- Avoid touching your eyes, nose, and mouth.
- Wear a cloth face cover in public (you could spread the virus even if you do not feel sick).
- Cover your mouth when coughing or sneezing; immediately wash your hands.
- Clean and disinfect frequently touched surfaces.
- If you feel sick with fever, cough, or difficulty breathing isolate yourself and seek immediate medical care.

We urge all residents to take extra steps to help prevent the spread of the virus:

- Stay in your apartment if possible and avoid contact with others.
- Avoid any gatherings in your unit, public, or any common areas.
- Do not have visitors unless essential for food or medicine.
- Do not engage outside to work.

If you have questions or concerns, or would like to share information with management, please contact the office of Staffed/Un Staffed at 800-780-0200.

Management

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Ex 30 p6



RENTAL AGREEMENT

THIS IS A LEGALLY BINDING CONTRACT.
IF NOT UNDERSTOOD, CONSULT AN ATTORNEY.

The Tenant(s) known as Albert Thrower, hereby agree to rent the dwelling located at 7568 Hudson A

* Any Available 1-4 Apartment Warren, MI
The premises are to be occupied by the above named tenants only. Tenant may not sublet premises. 48091

TERM The term shall commence on 6-1-14, at \$ 100 per month payable on the 1 of each month in full.

LATE FEES In the event rent is not paid by the NA (5th) day after due date, Tenant agrees to pay a late charge of \$

UTILITIES Owner Tenant shall be responsible for the payment of the following utilities: water, electric, gas, heating fuel, Telephone.

APPLIANCES Appliances provided in this rental are: stove, refrigerator, dishwasher, washing machine, dryer, air conditioner(s), .
Repairs will be born by said Tenants if damage is due to negligence of Tenants.

SECURITY Amount of security deposit is \$. Security shall be held by Landlord until the time said Tenants have vacated the premises and Landlord has inspected it for damages. Tenant shall not have the right to apply Security Deposit in payment of any rent. Security deposits must be raised proportionately with rent increases.

INSURANCE Tenant is responsible for liability/fire insurance coverage on premises. Tenant agrees to obtain a "Renter's Insurance" policy and to provide Owner or agent with a copy of policy within seven (7) days of lease execution.

NOTICES Should tenant decide to vacate the premises, a 10 day written notice to the landlord is required. Should landlord decide to have tenants vacated, a 10 day written notice is required. Tenant agrees to allow premises to be shown at any and all reasonable times for re-rental.

REAL ESTATE COMMISSION (If applicable) In the event a commission was earned by a real estate broker, Tenant shall not take possession of the premises unless all fees due broker are paid in full as agreed. Commission is payable when this lease is signed by the Tenant(s). It is solely for locating the rental for the Tenant and is not refundable under any circumstances regardless of any disputes or conditions between the Landlord and Tenant before or after occupancy is taken.

ACKNOWLEDGMENT Tenants hereby acknowledge that they have read, understand and agree to all parts of this document, and have received a copy.

	AMOUNT RECEIVED	BALANCE DUE
RENT:	<u>100</u>	<u> </u>
SECURITY:	<u> </u>	<u> </u>
BROKER'S FEE:	<u> </u>	<u> </u>

+ Management Duties
* Albert Thrower live in ANY
Available Apartment

THE UNDERSIGNED TENANT(S) ACKNOWLEDGES RECEIPT OF A COPY HEREOF.

DATE: 6-1-14

OWNER/AGENT St. Anthony
the GREAT MONASTERY
ADDRESS
PHONE

TENANT Albert Thrower
TENANT Albert Thrower
PHONE 216 856-1626
216 254-3883

Ex 31



RENTAL AGREEMENT

THIS IS A LEGALLY BINDING CONTRACT.
IF NOT UNDERSTOOD, CONSULT AN ATTORNEY.

The Tenant(s) known as

Albert THROWER, he

located at

1-4 Area



MI 0652-108-20-108

NAME (Company or person)
KIM ELIZABETH BRANSON

Street
7568 HUDSON

City
Warren

State
MI

Zip Code
48091-5912

In violation of local ordinance(s), within the City of Warren Michigan.

As or near
7568 HUDSON
(address/location of the violation)

The person named above did the following:

Type	Ordinance No.	Code No.	Description	Charge No.	Repeat offense rate
Right <input checked="" type="checkbox"/>	108.5	983	ILLEGAL OCCUPATION OF A POSTED VACANT HOME	2	111 000
Right <input type="checkbox"/>				3	111 000
Right <input type="checkbox"/>					111 000

☒ I personally observed the right violation.
☐ After investigation, I have reasonable cause to believe that the person named above is responsible for the right violation.
 If the second line is checked, City Attorney's Office approval is required.

City Attorney or Assistant City Attorney (Signature) _____ **Month** _____ **Day** _____ **Year** _____

Remarks: **FILE # 277572**

I served a copy of the citation on the person named above by:
☐ Personal Service
☒ First Class Mail
☐ Posting on property _____ (address/location)

SEE THE BACK OF THIS TICKET FOR FURTHER INSTRUCTIONS.
 I declare under penalty of perjury that the statements above are true to the best of my information, knowledge, and belief.

Authorized local official and license number (Printed) CURT GROSS	Agency DPMI	Month 5	Day 1	Year 20
Authorized local official (Signature) Curtis Gross	<input type="checkbox"/> Police Department <input checked="" type="checkbox"/> Property Maintenance <input type="checkbox"/> Rental Division			

COURT COPY

TICKET# 028047

05/01/2020 08:36

gross

Ex G p 1

Ex 34 pg 1

280047

QAlert

<https://warrenmi.c> [d.com/qalert/ServiceRequestPrintOut.aspx?...](https://warrenmi.c)



Uploaded On:

Friday, May 01, 2020 10:05 AM

34
Ex 46 p 2

27 20 4 8



AFTER VISIT SUMMARY

Albert Thrower DoB: 4/15/1957

3/30/2020 8:20 AM Urologic Surgery 216-778-4391

Instructions from J. Patrick Spirnak, MD



Labs ordered today
PROSTATE SPECIFIC ANTIGEN (PSA)
1 remaining until 3/30/2021

PROSTATE SPECIFIC ANTIGEN (PSA)
maining until 3/30/2021

sit



You saw J. Patrick Spirnak, MD on Monday March 30, 2020. The following issue was addressed: Prostate cancer.

next

PROCEDURE 40 with Irma J. Lengu, MD
Monday December 21 8:00 AM

Urologic Surgery
MetroHealth Medical Center
2500 MetroHealth Drive
CLEVELAND OH 44109
216-778-4391

Primary Care Provider (PCP) Information

Care Provider
Jill Molnar, APRN-CNP

Phone
216-778-2273

Ex 35 p 1

MyChart

View your After Visit Summary and more online at <https://mychart.metrohealth.org/mychart/>.

AFTER VISIT SUMMARY

Albert Thrower DoB: 4/15/1957



5/7/2020

Radiation Oncology 216-778-7328

Instructions from Tracy Koehl, RN

Your personalized instructions can be found at the end of this document.



Read the attached information

Additional instructions from Tracy Koehl, RN

Today's Visit

You saw Tracy Koehl, RN on Thursday May 7, 2020. The following issue was addressed: Prostate cancer.

What's Next

JUL 1 2020 **Follow up Urology with J. Patrick Spirnak, MD**
Wednesday July 1 8:20 AM

Urologic Surgery
MetroHealth Medical Center
2500 MetroHealth Drive
CLEVELAND OH 44109
216-778-4391

JUL 10 2020 **FOLLOW UP RAD ONC 30 with LAYE,PETER, MD**
Friday July 10 8:30 AM

Radiation Oncology
MetroHealth Medical Center
2500 MetroHealth Drive
CLEVELAND OH 44109
216-778-7328

DEC 21 2020 **URO PROCEDURE 40 with Irma J. Lengu, MD**
Monday December 21 8:00 AM

Urologic Surgery
MetroHealth Medical Center
2500 MetroHealth Drive
CLEVELAND OH 44109
216-778-4391

My Primary Care Provider (PCP) Information

Primary Care Provider
Jill Molnar, APRN-CNP

Phone
216-778-2273

MyChart

View your After Visit Summary and more online at <https://mychart.metrohealth.org/mychart/>.

EX 35 p2

SERVICE HISTORY REPORT

Printed on 09/17/2018 Monday

Srv Dt: 01/01/2017 - 09/17/2018 Clm Type: System Summary Procedure Type System Summary Procedure Code Use code

ADVANCED CARDIOVASCULAR
49050 SCHOENHERR RD., #100
SHELBY TOWNSHIP, MI 48315-3848
586-294-5330

DR LUAY SAYED
Tax ID: 263705373

ALBERT THROWER
1312 W 89TH
CLEVELAND, OH 44102

Account No: 488840
Cash Balance: 0.00
Ins Balance: 0.00

Date	Dx	Procedure	Qty	Modifier	Fee
09/26/17	I25.10,I21.4	92928 ANGIOPLASTY INTRACORONARY	1.000	LC	1,020.00
09/26/17	I25.10,I21.4	93458 CATH PLACEMENT COR ANGIO W/LV	1.000	26, XU	525.00
09/26/17	I25.10,I21.4	93571 FLOW WIRE MEASUREMENT	1.000	26, LC	165.00
09/26/17	I25.10,I21.4	99152 MODERATE SEDATION INITIAL 15	1.000		25.00
11/28/17	I25.110	92928 ANGIOPLASTY INTRACORONARY	1.000	LD	1,020.00
11/28/17	I25.110	93458 CATH PLACEMENT COR ANGIO W/LV	1.000	26, XU	525.00
11/28/17	I25.110	99152 MODERATE SEDATION INITIAL 15	1.000		25.00
11/29/17	I25.110,R07.9	99226 OBSERVATION SUBSEQUENT DAY	1.000		175.00

Total Service Charges : 3,480.00

Total Patient Payments: 0.00

Total Insurance Payments: 0.00

Total Adjustments: -3,480.00

Note: Total payments/adjustments is based on payments/adjustments made during the given date range including the payment made to procedures outside the range

EX 35 P 3

AFFIDAVIT OF ALBERT THROWER

Now comes the affiant ALBERT THROWER per 28 USC Section 1746 "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that . :

- 1) Affiant is the manager of the property located at 7568 Hudson Ave Warren Mi 48091 and the adjacent lot 7560 Hudson Ave Warren Mi 48090
- 2) Affiant rented an apartment to Elizabeth Nelson @ 7568 Hudson Ave 2018 Lease C with the understanding that the adjacent lot was part of the rental lease for her use. It was approved that she could park numerous vehicles on the properties.
- 3) Affiant was being treated 5 days a week for prostate cancer at METROHEALTH CLEVELAND OHIO and "self-isolating" due to Covid 19 -5/1/20 being at risk for COVID 19
- 4) Affiant on 5/3/20 was contacted by ELIZABETH NELSON to assist her in obtaining return of vehicles. (Saturday)
- 5) Affiant called Warren Police who informed affiant that cars were towed by (D) Service Towing Inc., Able towing LLC on Rinke Ave Warren MI
- 6) Affiant and Ms. Nelson travelled to Warren Michigan to obtain release of vehicles 5/3/20 Ex FF Ohio Turnpike receipt.
- 7) Affiant talked to tenant KIM ELIZABETH BRANSON, 2nd Fl tenant whose eviction was placed on hold because of COVID 19.
- 8) Branson told AFFIANT that Warren Police, Warren Inspectors were out at the property 5/1/20 and towed the 4 vehicles. She said she was told to "go inside and mind her own business"
- 9) Affiant when obtaining release of 4 vehicles had to enter a 4 x 8 area at SERVICE TOWING INC. and although there was a sign on the door "1 person at a time" this was not being enforced.
- 10) On 7/7/21 affiant came to WARREN MICHIGAN to mow grass and install a concrete driveway.
- 11) Warren Property & Maintenance Supervisor ROBERT SCOTT came to 7568 Hudson Ave and was screaming "I want all vehicles towed". Service Towing Inc. employee said "I can't get the Honda because it behind the house parked at an angle. If I tow HONDA, it will damage it. Robert Scott-was observed through the basement window and known to affiant, screamed "I don't care, I want the Honda towed too"

"Tow employees said that "HONDA CANNOT BE TOWED WITHOUT DAMAGING IT BECAUSE IT IS AT AN ANGLE BEHIND THE HOUSE (7568 HUDSON AVE). (D)

ROBERT SCOTT screamed, 'I DON'T CARE I

WANT THAT CAR TOWED", which it was then towed.

- 12) Affiant observed HONDA when released from towed yard and back bumper was damaged as is evidenced by Ex I Summary Judgment-pic of rear of Honda
- 13) 2008 Honda was "operable" and driven off tow yard

Ex 36 p 1

7/2/23

- 14) Affiant was never in court as 7/7/21 order states, indeed per article it says "he was arrested the next day at the tow yard" 7/8/21
- 15) Elizabeth Nelson was in the hospital with an infection
- 16) 2008 HONDA belongs to ELIZABETH NELSON.
- 17) Affiant talked to residence at 7528 Hudson Ave Warren MI 48091, the address defendants falsified on tow paperwork, and they knew -0- about cars being there, their front yard 15 ft from curb and having numerous vehicles themselves
- 18) On or about 7/30/21 (P) NELSON/affiant attempted to make a police report with WARREN POLICE DEPT. concerning the "falsification" of the address on paperwork where the 4 vehicles were towed from. DOE CITY OF WARREN MI police, Substation Commander CAPTAIN WILLIAM REICHLING, WILLIAM DWYER refused to file the police report. During the course of the attempt to file a police report the DOE WARREN POLICE officer ran the Complaint Number 20-18750 on Ex B (DOC 1-ORIGINAL COMPLAINT) PETITION FOR HEARING ON ABANDONED VEHICLE and said same was COMPLAINT NUMBER FOR WARREN POLICE DEPT
- 19) 5/1/20 1st two cars behind duplex Ex D pic =The other 2 cars- 2012 MAZDA 5 Grand Touring, 2009 Silverado were to the right of the pictured cars behind the security fence Ex N before towed 5/1/20.

Pursuant to Title 28 USC Section 1746 "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the affiant avers under the penalty of perjury that everything is true


Albert Thrower affiant

9/26/2022

EX 36 p 2

NLI v City of Warren
Class-Settlement.com
PO Box 9008
Hicksville, NY 11802-8008



12996578

PRSR FIRST CLASS
US Postage
PAID
Kalamazoo, MI
Permit No 297

5/7 1089*****AUTO**SCH 5-DIGIT 48089
12996578
THE GREAT R ST. ANTHONY
8075 PACKARD AVE
WARREN, MI 48089-5525

BY ORDER OF THE UNITED STATES DISTRICT COURT--EASTERN DISTRICT OF MICHIGAN

DATED: November 27, 2017

Please do not contact the Court or Judge Doyle. They cannot answer any questions or discuss this action.

Additional information regarding lawsuit may be found online at www.uscourts.gov.

for review and copying at the Court's office. The address is 231 W. Lafayette, Detroit, MI 48226.

This Notice contains a summary of relevant court papers. Complete copies of public pleadings, Court rulings and other filings are available
12. Where do I get more information?

GETTING MORE INFORMATION

Should I get my own lawyer?
You do not need to hire your own lawyer because Class Counsel is working for you. However, you are welcome to hire your own lawyer at your own expense. If you hire a lawyer to speak for you or to appear in Court you, as your must file a "Notice of Appearance with the Court."
17. What happens if I do not do anything?
By doing nothing, you are choosing to stay in the Class. You don't have to do anything now if you want to stay in the Class. If you stay in the Class and the Class Representatives decide money or benefits, about how to apply for a share. Regardless of whether the Plaintiff wins or loses the trial, if you do not opt out of the Class, you will not be able to sue, or continue to sue Defendant as part of any other lawsuit. You will also be legally bound by all of the orders the Court issues and judgments the Court makes in this lawsuit.

16. How will the lawyers be compensated, and will the Class Representatives receive compensation?
If recovery is obtained for the Class, Class Counsel will request from the Court an award for attorneys' fees and expenses. Class Counsel may also ask the Court to approve a reasonable incentive award for the Class Representatives. If approved, these fees and expenses and incentive awards will either be paid from the recovery obtained for the Class or separately by Defendant.

Mark R. Wainwright, P.C. 2401 W. Big Beaver Rd Suite 100 Troy, MI 48064 (248) 640-5667	The Law Offices of Aaron Cox 23300 Goddard Rd Troy, MI 48064 (734) 287-3664
----------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------

15. As a Class Member, do I have a lawyer representing my interests in this Class Action?
Yes. The Court has appointed lawyers to represent you and other Class Members. These lawyers are called Class Counsel. The following lawyers are representing the Class:

Mark R. Wainwright, P.C. 2401 W. Big Beaver Rd Suite 100 Troy, MI 48064 (248) 640-5667	The Law Offices of Aaron Cox 23300 Goddard Rd Troy, MI 48064 (734) 287-3664
----------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------

THE LAWYERS REPRESENTING YOU

14. What happens if I do not do anything?
By doing nothing, you are choosing to stay in the Class. You don't have to do anything now if you want to stay in the Class. If you stay in the Class and the Class Representatives decide money or benefits, about how to apply for a share. Regardless of whether the Plaintiff wins or loses the trial, if you do not opt out of the Class, you will not be able to sue, or continue to sue Defendant as part of any other lawsuit. You will also be legally bound by all of the orders the Court issues and judgments the Court makes in this lawsuit.

13. How do I opt out of the Class?
If you want to opt out of the Class, you must send a written "Request to Opt Out," which references the case name, "NLI2017, LLC et al v City of Warren," to all of the following addresses:

Mark R. Wainwright, P.C. 2401 W Big Beaver Rd Suite 100 Troy, MI 48064	John Gibbels 1155 Brewery Park Blvd Suite 200 Detroit, MI 48207
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EX ~~39~~ p1

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN

NOTICE OF CLASSIFICATION

A court authorized this Notice. It is not a solicitation from a lawyer. You are not being sued.

A class action lawsuit is pending in the United States District Court for the Eastern District of Michigan ("the Court"), filed by NMI 2021, LLC, NEMU, LLC, Investment Realty Services, LLC, d/b/a SRC Group, LLC ("Plaintiffs") against the City of Warren. Plaintiffs allege that the City of Warren violated Constitutional rights through its enforcement of its Property Maintenance Code and its adoption of the International Property Maintenance Code ("IPMC"), by failing to give certain notice requirements under the IPMC and enforcing an ordinance providing evidence without a warrant. Defendant denies any wrongdoing. Defendant maintains that its ordinance governing rental properties are Constitutional and that it has not violated Plaintiffs' constitutional rights with enforcement of its ordinance. The City maintains that it should prevail in this lawsuit and has filed a motion for summary judgment to dismiss the Complaint in its entirety. The Plaintiffs have filed a response to that motion. The Court has made no rulings concerning the merits of the lawsuit at this time.

The Court decided that this lawsuit should proceed as a class action on behalf of two "Classes" or a group or groups of people that could include you. The Court has approved two classes as follows:

1. All persons and entities who paid rental registration and inspection fees to the City of Warren pursuant to the ordinance providing searches without a warrant;
2. All persons and entities that currently own or at one time owned any parcel of real property located within the City of Warren for the purpose of renting or leasing a residential structure or multiple family unit or that property who or which has been issued a civil infraction for failing to obtain a Certificate of Compliance and subsequently paid them, stemming from an inspection under the IPMC and the City Code, at any time from Sept. 20, 2020 and through the date of final judgment, or such longer amount of time as may be allowed by law.

YOUR RIGHTS AND OPTIONS IN THIS LAWSUIT:

DO NOTHING	Stay in the lawsuit and share in possible benefits. Give up certain rights. By doing nothing, you are choosing to stay in the applicable Class (which may be both of the above-described classes herein collectively referred to as the "Class"). You may be permitted to share in any recovery that may result from this lawsuit, but you will give up your right to sue Defendant in a separate lawsuit for the claims made in this lawsuit. In addition, you will be bound by past and any future court rulings on, or settlement of, the claims made against Defendant.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no benefits, but keep your rights. If you opt out of the Class (stating you are willing that you do not want to be included in this lawsuit), you will not be entitled to any recovery that may result from this lawsuit, but you will not be bound by any past or future court rulings against Defendant. You will be free to pursue your own claims against Defendant on your own or as part of a different lawsuit.

1. Why did I get this notice?
Research indicates that from September 20, 2020 through the present (the "class period"), the City of Warren charged you rental registration and inspection fees for residential rental property under the International Property Maintenance Code, as adopted by the City of Warren. Pursuant to that same code the City of Warren issued civil infractions for those that failed to obtain a Certificate of Compliance and subsequently paid them. Plaintiffs allege that the Court has allowed, or "certified," a class action lawsuit that may affect you. You have legal rights and options that you may exercise. Judge Charles A. Bush of the United States District Court for the Eastern District of Michigan is overseeing this class action lawsuit. The case is known as NMI 2021, LLC, et. al v The City of Warren, Civil Action No. 2:22-cv-10918.
2. What is this lawsuit about?
This lawsuit is about whether Defendant violated Constitutional rights due to allegedly conducting unwarranted searches of residential rental properties and for violations of due process for allegedly failing to provide a proper notice and a meaningful opportunity to be heard prior to the issuance of civil infractions. Defendant denies any wrongdoing. Defendant maintains that its ordinance governing rental properties are Constitutional and that it has not violated Plaintiffs' constitutional rights with enforcement of its ordinance.
3. What is a class action and who is involved?
In a class action lawsuit, one or more people or entities called "Class Representatives" (in this case, Plaintiffs NMI 2021, LLC, NEMU, LLC, and Investment Realty Services, LLC d/b/a SRC Group, LLC) sue on behalf of themselves and other people who have similar claims. The only one (in this case, the City of Warren) is called the Defendant. In a class action, the Court resolves the issues for all Class members - except those who choose to exclude themselves.
4. What has happened in the lawsuit?
On September 20, 2020, Plaintiffs commenced this lawsuit by filing a class action complaint against Defendant, alleging that Defendant had violated several Constitutional rights when conducting unwarranted searches without any attempt to even obtain a warrant and procedural due process for failure to provide proper notice and a meaningful opportunity to be heard prior to the issuance of civil infractions. Defendant has denied any wrongdoing. On May 25, 2022, the Court entered an Order certifying this lawsuit as a class action. On August 25, 2022, Defendant filed a Motion for Summary Judgment asking that the lawsuit be dismissed as a matter of law. Plaintiffs filed a response to that Motion. The Court has scheduled oral argument on that Motion for November 7, 2022.
5. What is the current status of the lawsuit?
The lawsuit was granted class action status on May 25, 2022. Defendant filed a Motion for Summary Judgment on August 25, 2022 asking that the Court dismiss this lawsuit. Plaintiffs filed a response to that Motion. The Court has scheduled oral argument on that Motion for November 7, 2022.
6. What are the Class Representatives asking for?
The Class Representatives are asking the Court to compensate Class Members for damages they allege were caused by Defendant's conduct, as well as pre-judgment and post-judgment interest and their reasonable attorney fees and costs.
7. Is there any money available now?
No money or benefits are available now because the Court has not rendered a final decision on whether Defendant is liable and, if so, the amount of damages to be awarded, if any. There is no guarantee that money or benefits ever will be obtained. If they are, you may be entitled to receive a share.

DETERMINING IF YOU ARE A MEMBER OF THE CLASS

1. How do I know if I am a Class Member?
You are a member of the Class if between September 20, 2020 and the present you paid rental registration and inspection fees to the City of Warren for residential rental housing. You may also be part of the Class if you were issued a Certificate of Compliance and subsequently paid a fine stemming from an inspection under the IPMC and City Code at any time from September 20, 2020 through the present.

YOUR OPTIONS AS A CLASS MEMBER

1. What are my options as a Class Member?
You must decide whether to stay in the Class or opt out of it.
2. What happens if I choose to stay in the Class?
If you stay in the Class, you may be permitted to share in a recovery, if any, which may occur in this Action. But you give up any right to sue Defendant separately for the same legal claims made in this lawsuit. You also will be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action, even if there is no recovery.
3. How do I stay in the Class?
You do not have to do anything at this time to stay in the Class.
4. What happens if I opt out of the Class?
If you opt out of the Class (by stating in writing that you do not want to be included in the Class in this lawsuit), you will give up the right to participate in any recovery that may occur. But you will keep any rights you may currently have to sue Defendant

Ex 39 P 2

AGREEMENT

This Agreement (the "Agreement") is made this 10th day of April, 2017, between the City of Warren (the "City") and Matthew Nichols the ("Deputy Commissioner" or "Employee").

WHEREAS, the City hereby desires to employ the services of Matthew Nichols as its Deputy Police Commissioner;

WHEREAS, the parties acknowledge that this position is filled by appointment of the Mayor, and the Deputy Commissioner serves at the pleasure of the Mayor;

WHEREAS, the Employee hereby accepts such employment in accordance with the terms and conditions of this Agreement;

NOW THEREFORE, in consideration of the mutual promises set forth herein, the parties intending to be legally bound, do hereby represent, warrant, covenant and agree as follows:

1. **Term.** The Deputy Police Commissioner is appointed by the Mayor of the City of Warren and he shall serve at the pleasure of the Mayor. He may be terminated at any time and for any reason with or without cause, and without prior notice. This Agreement shall govern the terms and conditions of his employment during which time he serves in such capacity. In the event the Mayor decides that the services of the Employee are no longer needed in this appointed position, for any reason or no reason at all, the Employee shall have the right to return, if he so chooses, to his former position.

2. **Duties of Deputy Police Commissioner.** The Deputy Police Commissioner reports directly to both the Mayor and Police Commissioner and the Police Commissioner shall assign his daily duties.

3. **Salary.** The Deputy Police Commissioner shall be compensated in the annual amount approved by Warren City Council consistent with each fiscal year, currently \$118,477.00 in the 2016-2017 budget. The ten percent (10%) pay differential between this position and Captain shall be maintained.

4. **Fringe Benefits.** The Deputy Police Commissioner shall continue to receive the same fringe benefits as members of the Warren Police Command Officers Association including holiday compensation. Provided, however the Parties acknowledge that this is an Exempt position and as such he shall not receive payment for hours worked in excess of forty (40) hours per week and the overtime provisions do not apply. In the event that benefits provided to the Warren Police Command Officers change then the Deputy Commissioners benefits shall be adjusted to reflect those changes, except as otherwise noted in this Agreement.

5. **Other.** In the event the Mayor terminates or suspends the Deputy Commissioner for disciplinary reasons under circumstances that could cause his removal from the department or inability to return as a lieutenant, the Deputy Commissioner will be afforded the rights provided in the WPCOA collective bargaining agreement for the purpose of determining whether the

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EX ~~Q~~ P 1
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Deputy Commissioner has been properly removed from the Warren Police Department or barred from returning to the position of lieutenant only.

Provided, however that these rights shall be limited to a discharge or suspension from employment arising from a disciplinary decision, not his removal of him as Deputy Commissioner, which shall not be subject to review. The Parties acknowledge that the Mayor reserves the right to remove the Employee from his appointed position at any time with or without cause at any time at his sole discretion. No arbitrator or other body has jurisdiction to reinstate the employee to the position of Deputy Commissioner, but would only be able to return him to his former rank of lieutenant.

6. **Notices.** All notices under this Agreement shall be given in writing.

7. **Entire Agreement.** This Agreement is the entire agreement of the parties and supersedes any prior written or oral understandings, unless specifically referenced herein. No extrinsic or oral evidence may be used to modify, vary or construe its terms. No modification or waiver of any provision of this Agreement shall be valid unless in writing and signed by Employee and the Mayor and City Clerk, upon prior authorization of the City Council. Oral statements made by any representative or employee of the City cannot alter the terms of this Agreement.

8. **Assignment.** The Employee may not assign any of his rights or delegate any of his duties under this Agreement.

9. **Severability.** The provisions of this Agreement are severable, and if any provision of this Agreement shall be, for any reason, invalid or unenforceable, the remaining provisions shall nevertheless be valid, enforceable, and carried into effect.

10. **Governing Law.** This Agreement shall be governed by and interpreted under the laws of the State of Michigan.

11. **Binding Effect.** The rights and obligations of the parties shall accrue to the benefit of, and be binding upon, the parties and their respective heirs, executors, personal representatives and successors.

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Ex Q
P 2

Case 2:18-cv-14041-MAG-MKM ECF No. 1, PageID.22 Filed 12/26/18 Page 22 of 46

WITNESSES

William H. Hensley Mayor
William H. Hensley Mayor
James E. Hensley Mayor
Paul Wiggins City Clerk
City of Vienna

CITY OF VIENNA

DEPUTY POLICE COMMISSIONER

William H. Hensley Mayor
James E. Hensley Mayor
Paul Wiggins City Clerk
City of Vienna

WITNESSES

William H. Hensley Mayor
James E. Hensley Mayor
Paul Wiggins City Clerk
City of Vienna

DEPUTY POLICE COMMISSIONER

William H. Hensley Mayor
James E. Hensley Mayor
Paul Wiggins City Clerk
City of Vienna

unsum - Case 2:18-cv-14041-MAG-MKM ECF No. 1, PageID.22 Filed 12/26/18 Page 23 of 46

Sec. 7.3 - Duties of the mayor.

Under the provisions of this charter, insofar as is required by law, and for all ceremonial purposes, the mayor shall be the administrative and executive head of this city. He shall be a conservator of the peace and may exercise within the city the powers conferred upon sheriffs to suppress disorder. He shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the council, and the authority of the city government. The powers and duties of the mayor shall include the following duties and functions:

- (1) Keep an office in a convenient place to be provided by the council;
- (2) See that all laws and ordinances are enforced within the city;
- (3) Except as in this charter otherwise provided, have power of appointment and removal over officers, departmental directors, and the members of commissions and boards;
- (4) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (5) Authenticate by his signature such instruments and proceedings as are required to be authenticated by him by law or by the council;
- (6) Prepare the annual budget proposal and present it to the council with an explanation thereof at the time and in the manner required by this charter;
- (7) Keep the council fully advised at all times as to the financial conditions and needs of the city;
- (8) On or before the first day of September in each year, prepare and submit to the council and the public, as of the end of the fiscal year, a complete report of the finances and administrative activities of the city during the prior fiscal year;
- (9) Recommend to the council for adoption such measures as he may deem necessary or expedient;
- (10) Be responsible for the efficient administration of all departments of the city government;
- (11) Approve the administrative rules and regulations of the several directors, commissions, or boards in charge of the departments of the city government, before such rules and regulations shall be filed with the city clerk;
- (12) Require and receive monthly reports relative to the activities of each department from the respective department heads;
- (13) Act as and be the sole spokesman for the administrative service and officers of the city, except for the clerk, the treasurer, and the assessor insofar as their duties are provided by law;
- (14) Exercise and perform all administrative functions of the city which are not imposed

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 Ex Q P 3

Case 2:18-cv-14041-MAG-MKM ECF No. 1, PageID.30 Filed 12/26/18 Page 30 of 48



General Order

Date of Issue	Effective Date	Number
7 November 2013	7 NOVEMBER 2013	13-13
WARREN POLICE DEPARTMENT	File Code	
ORGANIZATION	"O"	
Reference	Records	Arrests
	13-07	All
		Distribution

I. PURPOSE

The City of Warren, Michigan, by Section 7.18 of the Warren Charter, creates a Police Department for the purpose of maintaining peace and order and for the protection of persons and property.

II. POLICY

The Police Commissioner, as the executive head of the Police Department, shall organize and conduct the affairs of the department for the preservation of quiet and good order of the city and for the safety of persons and property therein. It is the policy of the Warren Police Department to have an organization with a structure developed in accordance with professional standards and, by consideration of sound span-of-control principles, integrate related activities under control of intermediate supervisors. He/she shall allow them sufficient authority in the performance of their duties and shall hold them accountable for effective conduct of such activities.

III. GENERAL ORGANIZATION

- A. Bureau: A Bureau is the principle organizational sub-entity of the department. All Bureau Captains report directly to the Police Commissioner. The department is organized into three (3) bureaus:
 1. Administrative Services Bureau
 2. Investigative Services Bureau
 3. Patrol Services Bureau
- B. Division: A Division is the second major organizational sub-entity of the department and the principle sub-entity of a Bureau. A Divisional Commander reports to the Bureau Captain.
- C. Unit: A Unit is the third major organizational sub-entity and may be independent or may be the principle organizational sub-entity of a Division. A Unit is commanded by a designated officer in charge (OIC) who reports to the appropriate Division or Bureau Commander.

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G.O. #13-13
November 2013

D. Chain of Command: Authority is delegated through the following channels and shall be recognized in the following designated order, to the level of execution. The reverse shall also apply.

1. Commissioner of Police
2. Deputy Police Commissioner
3. Captain
4. Lieutenant
5. Sergeant
6. Detective/Corporal
7. Police Officer
8. Civilian Supervisor/Secretary/Dispatcher
9. Civilian Employee/Clerical/Dispatcher

COMMISSIONER OF POLICE

Reports to: Mayor
Responsibilities: The efficient and effective operation of the Police Department through planning, organizing, and directing its activities. (See Duties - Police Commissioner General Order).

Office Coordinator

Reports to: Police Commissioner
Responsibilities: Work with a high level of proficiency directly with the Commissioner and Internal Affairs Lieutenant on confidential administrative tasks. Supervise office activities and other civilian employees in the day-to-day operation of the department. Perform highly-skilled secretarial duties as necessary. Act as liaison between the public and the Police Department Commanders. (See Duties - Police Commissioner G.O.)

INTERNAL AFFAIRS DIVISION

Reports to: Lieutenant or Sergeant

Responsibilities: Reports directly to the Commissioner
Responsibilities: Tabulate all complaints of misconduct and investigate or inappropriate service. Investigate complaints and perform background investigations on all new department employees. (See Internal Affairs Division G.O.)

DEPUTY POLICE COMMISSIONER

Reports to: Mayor/Police Commissioner

Responsibilities: Overall planning, organizing and directing the coordination of all field operations. (See Duties - Chief of Police (now known as Deputy Commissioner) G.O.)

Office Assistant

Reports to: Deputy Police Commissioner and Police Commissioner
Responsibilities: Assist Deputy Police Commissioner as needed. Assist other Bureau personnel with copying, typing and maintaining documents and records and perform other secretarial duties as needed. Perform additional duties as requested in the absence of the Office Coordinator.

Ex 40
P 5